

**WSR 15-24-071****PERMANENT RULES****HUMAN RIGHTS COMMISSION**

[Filed November 25, 2015, 12:26 p.m., effective December 26, 2015]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Sexual orientation and gender identity were added as a protected class to the Washington state law against discrimination in 2006. Rules are needed in order to interpret that law to provide understanding to businesses, employers, and the public. Stakeholders have requested clarification and explanation of the law in the form of rules. New chapter 162-32 WAC is added for sexual orientation and gender identity issues, and additional sections are amended to add sexual orientation and gender identity as protected classes.

Citation of Existing Rules Affected by this Order: Amending WAC 162-12-100, 162-12-140, 162-16-200, 162-36-005, 162-36-010, and 162-36-020.

Statutory Authority for Adoption: RCW 49.60.120(3).

Adopted under notice filed as WSR 15-11-104 on May 20, 2015.

Changes Other than Editing from Proposed to Adopted Version: When warranted, sexual orientation, gender expression and gender identity were specified in each section, instead of simply specifying sexual orientation as an umbrella term. Additional clarification as to unfair practices in preemployment inquiries were added in WAC 162-12-140. The protected class of sexual orientation was eliminated from sections related to medical leave and reasonable accommodation in WAC 162-32-020. Further examples of different treatment were provided under the leave provisions in WAC 162-32-020. The term "opposite sex" was changed to "opposite/different sex", and "paternity leave" was changed to "parental leave" throughout the sections when warranted. In WAC 162-32-060, the section related to gender segregated facilities, separate standards for k-12 schools were eliminated, and all places of public accommodations have the same standards as outlined in the rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 6, Amended 6, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 6, Amended 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 6, Amended 6, Repealed 0.

Date Adopted: November 30, 2015.

Laura Lindstrand  
Policy Analyst

AMENDATORY SECTION (Amending WSR 00-01-177, filed 12/21/99, effective 1/21/00)

**WAC 162-12-100 Purpose.** (1) These regulations carry out the law against discrimination as stated generally in RCW 49.60.010 and 49.60.030, and interpret RCW 49.60.180 and 49.60.200 which declare certain preemployment inquiries to be unfair practices.

(2) The commission generally follows chapter 49.60 RCW and federal court decisions that interpret comparable statutes and rules. The commission will not follow federal precedents when a different interpretation of state statutes and rules will better carry out the purposes of chapter 49.60 RCW.

(3) This regulation cannot cover every question that might arise in connection with inquiries prior to employment. The commission expects that in most cases these rules, either directly or by analogy, will guide those who are covered by the law.

(4) Definition: In this chapter, the following words are used in the meaning given, unless the context clearly indicates another meaning.

"Protected status" is short for the phrase, "age, sex, sexual orientation, gender expression or gender identity, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person," and means the full phrase (see RCW 49.60.180).

AMENDATORY SECTION (Amending WSR 00-01-177, filed 12/21/99, effective 1/21/00)

**WAC 162-12-140 Preemployment inquiries.** (1) The following examples of fair and unfair inquiries apply when made in reference to job application forms, preemployment interviews, or any other type of inquiry made of job applicants. The rules also apply to inquiries made to persons other than an applicant and to inquiries made by third parties such as a credit reporting service. The rules do not apply after a person is employed. See WAC 162-12-180.

(2) Employers and employment agencies shall comply with these rules except where one or more of the following conditions exist:

(a) When there is a "bona fide occupational qualification."

(b) A voluntary affirmative action plan that is in compliance with the requirements of a government agency or other competent authority such as a court, and if made in a manner provided in WAC 162-12-160 and 162-12-170.

(c) A requirement of federal law or regulation, as explained in WAC 162-12-150.

If one or more of the above conditions apply, the inquiries of employers and employment agencies must be accompanied by a written explanation of their purpose. See WAC 162-12-135, 162-12-160 and 162-12-170.

(3) The following examples of fair and unfair preemployment inquiries define what is an unfair practice under RCW 49.60.180(4) and 49.60.200. These examples, however, are not all inclusive. All preemployment inquiries that unnecessarily elicit the protected status of a job applicant are

prohibited by these statutes irrespective of whether or not the particular inquiry is covered in this regulation.

SUBJECT	FAIR PREEMPLOYMENT INQUIRES	UNFAIR PREEMPLOYMENT INQUIRES	SUBJECT	FAIR PREEMPLOYMENT INQUIRES	UNFAIR PREEMPLOYMENT INQUIRES
a. Age	Inquiries as to birth date and proof of true age are permitted by RCW 49.44.090.	Any inquiry not in compliance with RCW 49.44.090 that implies a preference for persons under 40 years of age.	d. Convictions (see also Arrests)	Statistical studies on convictions and imprisonment have shown a disparate impact on some racial and ethnic minority groups. Inquiries concerning convictions (or imprisonment) will be considered to be justified by business necessity if the crimes inquired about relate reasonably to the job duties, and if such convictions (or release from prison) occurred within the last ten years. Law enforcement agencies, state agencies, school districts, businesses and other organizations that have a direct responsibility for the supervision, care, or treatment of children, mentally ill persons, developmentally disabled persons, or other vulnerable adults are exempt from this rule. See RCW 43.20A.710; 43.43.830 through 43.43.842; and RCW 72.23.035.	Inquiries concerning convictions and imprisonment which either do not relate reasonably to job duties or did not occur within the last ten years will not be considered justified by business necessity.
b. Arrests (see also Convictions)	Because statistical studies regarding arrests have shown a disparate impact on some racial and ethnic minorities, and an arrest by itself is not a reliable indication of criminal behavior, inquiries concerning arrests must include whether charges are still pending, have been dismissed, or led to conviction of a crime involving behavior that would adversely affect job performance, and the arrest occurred within the last ten years. Exempt from this rule are law enforcement agencies and state agencies, school districts, businesses and other organizations that have a direct responsibility for the supervision, care, or treatment of children, mentally ill persons, developmentally disabled persons, or other vulnerable adults. See RCW 43.20A.710; 43.43.830 through 43.43.842; and RCW 72.23.035.	Any inquiry that does not meet the requirements for fair pre-employment inquiries.	e. Family	Whether applicant can meet specified work schedules or has activities, commitments or responsibilities that may prevent him or her from meeting work attendance requirements.	Specific inquiries concerning spouse, <u>spouse's gender</u> , spouse's employment or salary, children, child care arrangements, or dependents.
c. Citizenship	Whether applicant is prevented from lawfully becoming employed in this country because of visa or immigration status. Whether applicant can provide proof of a legal right to work in the United States after hire.	Whether applicant is citizen. Requirement before job offer that applicant present birth certificate, naturalization or baptismal divulge applicant's lineage, ancestry, national origin, descent, or birth place.	f. Disability	Whether applicant is able to perform the essential functions of the job for which the applicant is applying, with or without reasonable accommodation. Inquiries as to how the applicant could demonstrate or describe the performance of these specific job functions with or without reasonable accommodation. Note: Employers are encouraged to include a statement on the application form apprising applicants that if they require accommodation to complete the application, testing or interview process, to please contact the employment office, personnel or human resources department or other office as may be able to assist them.	Inquiries about the nature, severity or extent of a disability or whether the applicant requires reasonable accommodation prior to a conditional job offer. Whether applicant has applied for or received worker's compensation. Also any inquiry that is not job related or consistent with business necessity.

SUBJECT	FAIR PREEMPLOYMENT INQUIRES	UNFAIR PREEMPLOYMENT INQUIRES	SUBJECT	FAIR PREEMPLOYMENT INQUIRES	UNFAIR PREEMPLOYMENT INQUIRES
g. Height and Weight	Being of a certain height or weight will not be considered to be a job requirement unless the employer can show that all or substantially all employees who fail to meet the requirement would be unable to perform the job in question with reasonable safety and efficiency.	Any inquiry which is not based on actual job requirements and not consistent with business necessity.	m. Photographs	May be requested <i>after</i> hiring for identification purposes.	Request that applicant submit a photograph, mandatorily or optionally, at any time before hiring.
h. Marital Status (see also Name and Family)	None.	( ) Mr. ( ) Mrs. ( ) Miss. Whether the applicant is married, single, divorced, separated, engaged, widowed, <u>has a same sex spouse</u> , etc.	n. Pregnancy (see also Disability)	Inquiries as to a duration of stay on job or anticipated absences which are made to males and females alike.	All questions as to pregnancy, and medical history concerning pregnancy and related matters.
i. Military	Inquiries concerning education, training, or work experience in the armed forces of the United States.	Type or condition of military discharge. Applicant's experience in military other than U.S. armed forces. Request for discharge papers.	o. Race or Color	None. See WAC 162-12-150, 162-12-160, and 162-12-170.	Any inquiry concerning race or color of skin, hair, eyes, etc., not specifically permitted by WAC 162-12-150, 162-12-160, and 162-12-170.
j. Name	Whether applicant has worked for this company or another employer under a different name and, if so, what name. Name under which applicant is known to references if different from present name.	Inquiry into original name where it has been changed by court order or marriage. Inquiries about a name that would divulge marital status, <u>sexual orientation</u> , <u>gender expression</u> or <u>gender identity</u> , <u>transgender status</u> or <u>sex assigned at birth</u> , lineage, ancestry, national origin or descent.	p. Relatives	Name of applicant's relatives already employed by this company or by any competitor.	Any other inquiry regarding marital status, identity of one's spouse, or spouse's occupation are considered unfair practices in accordance with WAC 162-12-150.
k. National Origin	Inquiries into applicant's ability to read, write and speak foreign languages, when such inquiries are based on job requirements.	Inquiries into applicant's lineage, ancestry, national origin, descent, birthplace, or mother tongue. National origin of applicant's parents or spouse.	(While the law does not prohibit company policies governing the employment of relatives, any policy that has the effect of disadvantaging minorities, women, married couples, or other protected classes, would be in violation of the law unless it is shown to serve a necessary business purpose.) See WAC 162-12-150, 162-12-160, and 162-12-170.		
l. Organizations	Inquiry into organization memberships, excluding any organization the name or character of which indicates the race, color, creed, sex, <u>sexual orientation</u> , <u>gender expression</u> or <u>gender identity</u> , marital status, religion, or national origin or ancestry of its members.	Requirement that applicant list all organizations, clubs, societies, and lodges to which he or she belongs.	q. Religion or Creed	None.	Inquiries concerning applicant's religious preference, denomination, religious affiliations, church, parish, pastor, or religious holidays observed.
			r. Residence	Inquiries about address to the extent needed to facilitate contacting the applicant.	Names or relationship of persons with whom applicant resides. Whether applicant owns or rents own home.
			s. Sex	None.	Any inquiry concerning gender is prohibited.
			t. <u>Sexual Orientation</u> , <u>Gender Expression</u> or <u>Gender Identity</u>	None.	<u>Any inquiry concerning sexual orientation, gender expression or gender identity, transgender status, or sex assigned at birth is prohibited.</u>

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 99-15-025, filed 7/12/99, effective 8/12/99)

**WAC 162-16-200 General purpose and definitions.**

The law against discrimination protects persons from discrimination in employment (RCW 49.60.180, 49.60.190, and 49.60.200). Persons are also protected from discrimination as provided in RCW 49.60.172 (unfair practices with respect to HIV infection), RCW 49.60.174 (actual or perceived HIV infection), and RCW 49.60.210 (unfair to discriminate against person opposing unfair practice).

(1) The commission's first objective in writing the rules in this chapter and in making future decisions on questions not addressed in this chapter is to eliminate and prevent discrimination. This is the overall purpose of the law against discrimination.

(2) Other objectives in writing these rules are:

(a) To be consistent with interpretations of federal anti-discrimination law and the antidiscrimination laws of other states, where these are comparable to Washington law, and where the commission does not find that a different rule would better serve the state of Washington.

(b) To avoid the uncritical adoption of definitions from areas of law other than antidiscrimination law. It is appropriate to define employment differently in different areas of the law to carry out the separate purpose of each area of law.

(c) To give effect to the purposes of the exemption of employers of less than eight from public enforcement of the law against discrimination, as identified in RCW 49.60.040.

(d) The public and commission staff need standards that are certain and that are easy to understand and apply. Therefore we must sometimes simply draw a line, although reasonable persons could differ as to where the line should be drawn.

(3) The state law against discrimination covers employers with eight or more employees. Persons should also educate themselves on relevant local or federal antidiscrimination laws.

(4) Definition:

In this chapter, the following words are used in the meaning given, unless the context clearly indicates another meaning.

"Protected status" is short for the phrase, "age, sex, sexual orientation, gender expression or gender identity, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person," and means the full phrase (see RCW 49.60.180).

**Chapter 162-32 WAC**

**SEXUAL ORIENTATION AND GENDER IDENTITY**

NEW SECTION

**WAC 162-32-010 General purpose and scope.** This chapter interprets and implements the sexual orientation and gender expression and gender identity discrimination protections of RCW 49.60.030, 49.60.180, and 49.60.215 and provides guidance regarding certain specific forms of sexual ori-

entation and gender expression and gender identity discrimination.

NEW SECTION

**WAC 162-32-020 Leave policies and reasonable accommodation.** (1) **Leave.** When an employer grants leave or time off of work to employees for medical or health reasons, the employer shall treat leave requests to address medical or health care needs related to an individual's gender expression or gender identity in the same manner as requests for all other medical conditions. For example:

(a) If an employer provides paid sick leave for periods of disability that require medical leave, the employer must provide paid sick leave for periods of disability related to an individual's gender expression or gender identity that require medical leave;

(b) If the employer's policy requires a medical provider's statement to verify the leave period as a reasonable accommodation, a medical provider's statement may be required to verify the leave period as a reasonable accommodation when the disabling condition is related to the individual's gender expression or gender identity, however, an employer may not inquire if the leave is related to gender expression or gender identity or gender transition, nor can the employer require that the note specify if the leave is related to gender expression or gender identity or gender transition;

(c) If the employer's policy permits the retention and accrual of benefits, such as seniority, retirement, and pension rights, during the leave period for other disabilities, the policy must also permit such accrual of benefits during leave for disabling conditions related to an individual's gender expression or gender identity;

(d) If an employer allows an employee to use shared leave for disabling conditions, the employer must apply the same policies and procedures for disabling conditions related to an individual's gender expression or gender identity.

(2) **Reasonable accommodation.** An employer shall provide reasonable accommodation for a disability when the disability is related to the individual's gender expression or gender identity, absent undue hardship to the employer. Such reasonable accommodation includes, but is not limited to, medical leave for medical and counseling appointments, surgery, and recovery from surgery that are related to gender reassignment procedures and treatments. An undue hardship as a reason for denying an accommodation in situations involving disabilities related to gender expression or gender identity shall be analyzed in the same manner as with accommodations for any other disability. To the extent consistent with personal medical information connected to other disabilities, personal medical information connected to disabilities related to a person's gender expression or gender identity must be kept confidential.

(3) Nothing in this section is intended to suggest that a person's sexual orientation or gender expression or gender identity itself is a disabling condition.

NEW SECTION

**WAC 162-32-030 Employee benefits and privileges.**

(1) **Consistent and equal basis.** Employee benefits provided

in whole or in part by an employer must be consistent between all employees and equal for all employees, regardless of the employee's sexual orientation or gender expression or gender identity. For example, it is an unfair practice to:

(a) Provide health insurance coverage to an employee's opposite/different sex spouse but to fail to provide health insurance coverage to an employee's same sex spouse (except in situations where such a rule is prohibited or pre-empted by federal law.)

(b) Provide parental leave or bonding time for the father of a child newly born or adopted into a heterosexual relationship, but fail to provide the same parental leave or bonding time to the parent of a child newly born or adopted into a same-sex relationship.

(2) **Other benefits and privileges of employment.** All other employee benefits, provided formally or informally including, but not limited to, health club memberships, discount programs, training, staff retreats, company gatherings and parties, and use of company vehicles or other company services, shall be provided on an equal basis to all employees regardless of the employee's sexual orientation or gender expression or gender identity. If the benefit or privilege is extended to the employee's opposite/different sex spouse, it must be extended to an employee's same sex spouse as well.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 162-32-040 Harassment.** (1) **Harassment.** Harassment based on an individual's sexual orientation or gender expression or gender identity is prohibited. Sexual orientation or gender expression or gender identity harassment in employment is offensive and unwelcome behavior serious enough to affect the terms and conditions of employment and which occurred because of an individual's sexual orientation or gender expression or gender identity, and can be imputed to the employer.

(2) **Prohibited conduct.** Prohibited conduct may include, but is not limited to, the following:

(a) Asking unwelcome personal questions about an individual's sexual orientation, gender expression or gender identity, transgender status, or sex assigned at birth;

(b) Intentionally causing distress to an individual by disclosing the individual's sexual orientation, gender expression or gender identity, transgender status, or sex assigned at birth against his or her wishes;

(c) Using offensive names, slurs, jokes, or terminology regarding an individual's sexual orientation or gender expression or gender identity;

(d) The deliberate misuse of an individual's preferred name, form of address, or gender-related pronoun (except on legally mandated documentation, if the individual has not officially obtained a name change);

(e) Posting offensive pictures or sending offensive electronic or other communications;

(f) Unwelcome physical conduct.

(3) **Harassment in a place of public accommodation.** Sexual orientation harassment or harassment based on gender

expression or gender identity in a place of public accommodation is offensive and unwelcome behavior serious enough to alter the individual's experience at the place of public accommodation, or severe enough that the individual has no choice but to leave the place of public accommodation, which occurred because of the individual's sexual orientation or gender expression or gender identity, and can be imputed to the place of public accommodation. In schools, such harassment is offensive and unwelcome behavior serious enough to interfere with a child's access to educational opportunities, which occurred because of the child's sexual orientation or gender expression or gender identity, and can be imputed to the school.

#### NEW SECTION

**WAC 162-32-050 Dress and grooming standards.** (1) **Standards allowed.** Covered entities may require standards of dress or grooming that serve a reasonable business or institutional purpose, such as promoting safety, developing a company identity, or projecting a professional, positive public image.

(2) **Prohibited standards.** Covered entities cannot require an individual to dress or groom in a manner that is not consistent with that individual's gender expression or gender identity.

#### NEW SECTION

**WAC 162-32-060 Gender-segregated facilities.** (1) **Facility use.** All covered entities shall allow individuals the use of gender-segregated facilities, such as restrooms, locker rooms, dressing rooms, and homeless or emergency shelters, that are consistent with that individual's gender expression or gender identity.

In such facilities where undressing in the presence of others occurs, covered entities shall allow access to and use of a facility consistent with that individual's gender expression or gender identity.

(2) **Cannot require use inconsistent with gender expression or gender identity.** A covered entity shall not request or require an individual to use a gender-segregated facility that is inconsistent with that individual's gender expression or gender identity, or request or require an individual to use a separate or gender-neutral facility.

(a) If another person expresses concern or discomfort about a person who uses a facility that is consistent with the person's gender expression or gender identity, the person expressing discomfort should be directed to a separate or gender-neutral facility, if available.

(b) Any action taken against a person who is using a restroom or other gender-segregated facility, such as removing a person, should be taken due to that person's actions or behavior while in the facility, and must be unrelated to gender expression or gender identity. The same standards of conduct and behavior must be consistently applied to all facility users, regardless of gender expression or gender identity.

(4) Provision of options encouraged. Whenever feasible, covered entities are encouraged to provide options for privacy, such as single-use gender-neutral bathrooms or private

changing areas, that are available to any individual desiring privacy.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 98-08-035, filed 3/23/98, effective 4/23/98)

**WAC 162-36-005 Discrimination.** (1) It is an unfair practice for any person, whether acting for himself, herself, or another, because of sex, sexual orientation, gender expression or gender identity, marital status, race, creed, color, national origin, families with children status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person:

(a) To refuse to engage in a real estate transaction with a person;

(b) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

(c) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;

(d) To refuse to negotiate for a real estate transaction with a person;

(e) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to refuse to permit the person to inspect real property;

(f) To discriminate in the sale or rental, or to otherwise make unavailable or deny a dwelling, to any person; or to a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or to any person associated with the person buying or renting;

(g) To make, print, publish, circulate, post, mail, or cause to be so made or published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;

(h) To offer, solicit, accept, use, or retain listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;

(i) To expel a person from occupancy of real property;

(j) To discriminate in the course of negotiating, executing, or financing a real estate transaction whether by mortgage, deed of trust, contract, or other instrument imposing a lien or other security in real property, or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction. Nothing in this section shall limit the effect of RCW 49.60.176 relating to unfair practices in credit transactions;

(k) To attempt to do any of the unfair practices defined in this chapter or chapter 49.60 RCW.

(2) It is an unfair practice for any person, for profit, to induce or attempt to induce any person to sell or rent any real

property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, creed, color, sex, sexual orientation, gender expression or gender identity, national origin, families with children status, or with any sensory, mental or physical disability and/or the use of a trained dog guide or service animal by a disabled person.

(3) It is an unfair practice to insert in a written instrument relating to real property a provision that is void under RCW 49.60.224(1) or to honor or attempt to honor such a provision in the chain of title.

(4) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, creed, national origin, sex, sexual orientation, gender expression or gender identity, disability, the use of a trained dog guide or service animal by a disabled person, or families with children status.

(5) Nothing in this chapter limits the applicability of any reasonable federal, state or local restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(6) Nothing in this chapter prohibiting discrimination based on families with children status applies to housing for older persons as defined by the federal Fair Housing Amendments Act of 1988, 42 U.S.C. ((see)) Sec. 3607 (b)(1) through (3), as amended by the Housing for Older Persons Act of 1995, P.L. 104-76, as enacted on December 28, 1995.

**AMENDATORY SECTION** (Amending WSR 98-08-035, filed 3/23/98, effective 4/23/98)

**WAC 162-36-010 Soliciting buyers from neighbors of listed house.** Some real estate firms have a practice of sending letters, post cards or printed circulars to residents of a neighborhood where they have a home listed for sale in order to obtain referrals of prospective buyers of the home. Such a practice does not necessarily discriminate against persons on the basis of race, creed, color, national origin, sex, sexual orientation, gender expression or gender identity, marital status, families with children status, the presence of a sensory, mental or physical disability or the use of a trained dog guide or service animal by a disabled person. However, the practice can have a discriminatory effect, and thereby constitute an unfair practice in a real estate transaction within the meaning of this chapter, where:

(1) It is used only in neighborhoods occupied entirely or predominantly by persons of a single race, creed, color, national origin, sex, sexual orientation, gender expression or gender identity, marital status, families with children status, have the presence of a sensory, mental or physical disability, or who use a trained dog guide or service animal as a disabled person, or

(2) Persons of a particular race, creed, color, national origin, sex, sexual orientation, gender expression or gender identity, marital status, families with children status, have the presence of a sensory, mental or physical disability, or use a trained dog guide or service animal as a disabled person living in the same neighborhood are not sent solicitations, or

(3) The content or language of the solicitation invites, promotes or perpetuates residential segregation or discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, gender expression or gender identity, marital status, families with children status, the presence of a sensory, mental or physical disability, or the use of a trained dog guide or service animal by a disabled person.

**AMENDATORY SECTION** (Amending WSR 98-08-035, filed 3/23/98, effective 4/23/98)

**WAC 162-36-020 Content and language of solicitation.** Residential segregation on the basis of race, creed, national origin or other ethnic classification is rooted in the history of this country and fixed in the patterns of thought of many people. The content and language of a solicitation of names of prospective purchasers directed to neighbors of a house listed for sale, must be examined in this context in assessing whether the solicitation constitutes an unfair practice within the meaning of RCW 49.60.222 and WAC 162-36-010. A solicitation which indicates that the recipient of the solicitation can control the type of persons who will move into the neighborhood by referring appropriate prospective buyers, is likely to be understood as an invitation to discriminate on the basis of race, creed, color, national origin, sex, sexual orientation, gender expression or gender identity, marital status, families with children status, the presence of a sensory, mental or physical disability, or the use of a trained dog guide or service animal by a disabled person. Phrases such as "uphold the standards of the community" (when the "standards" are unspecified) are likely to be understood the same way. Accordingly, it is an unfair practice under RCW 49.60.222 and WAC 162-36-010 for the content or language of a neighborhood solicitation to:

(1) Suggest in any way that the solicitor, buyer or seller has the power to control the type or character of the person or persons to whom the property involved may be sold;

(2) Invite or provoke discriminatory feelings, actions, or responses from the person or persons being solicited;

(3) Make reference to an assumed standard of the community which the solicitor, buyer or seller must or will uphold, unless the particular community standard is identified specifically, and the standard does not have the effect of excluding persons of a particular race, creed, color, national origin, sex, sexual orientation, gender expression or gender identity, marital status, families with children status, the presence of a sensory, mental or physical disability, or the use of a trained dog guide or service animal by a disabled person.

**WSR 15-24-102**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed December 1, 2015, 9:56 a.m., effective January 5, 2016]

Effective Date of Rule: January 5, 2016.

Purpose: eRules Phase III, the purpose of adopting this rule is to have a consistent format across all department of occupational safety and health (DOSH) rules. The updated

format would provide easy access to rules from smart phones and tablet users. It will also provide easy navigation in PDF documents, as well as easier referencing by replacing bullets and dashes with numbers and letters. No rule requirements were changed as a result of this rule-making adoption. References, formatting and minor housekeeping changes were made throughout the chapters in this rule making.

Citation of Existing Rules Affected by this Order: Amending WAC 296-56-600 Marine terminals, 296-56-60006 Personnel, 296-56-60007 Housekeeping, 296-56-60009 Accident prevention program, 296-56-60010 Emergency action plans, 296-56-60011 Slings, 296-56-60013 Stacking of cargo and pallets, 296-56-60015 Coopering, 296-56-60017 Line handling, 296-56-60019 Standard gauge railroad operations, 296-56-60021 Signals displayed by each maintenance crew, 296-56-60023 Warning flags or lights, 296-56-60025 Signals unobscured, 296-56-60027 Audible warning system, 296-56-60029 Safety observer on railroad switching, 296-56-60031 Warning at road crossing, 296-56-60033 Flying switches, 296-56-60035 Clearance from railroad tracks, 296-56-60037 Car plates, 296-56-60039 Dockboards (bridge plates), 296-56-60041 Log handling, 296-56-60043 Movement of barges and railcars, 296-56-60045 Communication, 296-56-60047 Open fires, 296-56-60049 Hazardous cargo, 296-56-60051 Handling explosives or hazardous materials, 296-56-60053 Hazardous atmospheres and substances, 296-56-60055 Carbon monoxide, 296-56-60057 Fumigants, pesticides, insecticides and hazardous preservatives (see also WAC 296-56-60049, 296-56-60051 and 296-56-60053), 296-56-60071 House falls, 296-56-60073 Miscellaneous auxiliary gear, 296-56-60075 Cargo boards and other type pallet boards, 296-56-60077 Powered industrial trucks, 296-56-60079 General rules applicable to vehicles, 296-56-60081 Multipiece and single-piece rim wheels, 296-56-60083 Cranes and derricks, 296-56-60085 Crane load and limit devices, 296-56-60087 Winches, 296-56-60089 Conveyors, 296-56-60091 Spouts, chutes, hoppers, bins, and associated equipment, 296-56-60093 Certification of marine terminal material handling devices, 296-56-60095 Advisory crane certification panel, 296-56-60097 Unit proof load test and inspection, 296-56-60098 Examination and inspection of cranes and derricks, 296-56-60099 Hand tools, 296-56-60103 Terminals handling intermodal containers or roll-on roll-off operations, 296-56-60107 Terminal facilities handling menhaden and similar species of fish, 296-56-60109 Eye protection, 296-56-60111 Head protection, 296-56-60113 Foot protection, 296-56-60115 Other protective measures, 296-56-60116 Payment for protective equipment, 296-56-60117 Maintenance and load limits, 296-56-60119 Protection from falling, 296-56-60121 Minimum safety requirements for docks and dock facilities, 296-56-60122 Access to vessels, 296-56-60123 Guarding of edges, 296-56-60125 Clearance heights, 296-56-60127 Cargo doors, 296-56-60129 Platforms and skids, 296-56-60131 Elevators and escalators, 296-56-60133 Manlifts, 296-56-60135 Manlifts—Electric, 296-56-60139 Hoistway enclosures and landings, 296-56-60143 Hoistway gates, 296-56-60145 Elevator car, 296-56-60147 Elevator doors, 296-56-60149 Counterweight, enclosures, and fastenings, 296-56-60151 Guide rails, 296-56-60153 Hoisting ropes, 296-56-60155 Space

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Changes Other than Editing from Proposed to Adopted Version: The following titles in between WAC sections were removed due to being redundant: SANDING MACHINES; SEWING MACHINES; VENEER MACHINES; TENONING MACHINES; SHAPERS; PLANERS; PANEL RAISERS AND OTHER SIMILAR MACHINES; MOLDING, STICKING AND MATCHING MACHINES; JOINTERS; CHIPPER AND HOG MILLS; BORING AND MORTISING MACHINES; CUTTING HEADS; General Requirements for All Cutting Heads; Requirements for Band Saws and Drag Saws;

Requirements for Specific Circular Saws; Requirements for All Circular Saws; SAWS; General Requirements for All Saws; and GENERAL REQUIREMENTS FOR ALL SAWS AND CUTTING HEADS.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 6, Amended 471, Repealed 5.

Number of Sections Adopted on the Agency's Own Initiative: New 6, Amended 471, Repealed 5.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 6, Amended 471, Repealed 5.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 6, Amended 471, Repealed 5.

Date Adopted: December 1, 2015.

Joel Sacks  
Director

#### NEW SECTION

**WAC 296-56-099 Definitions. Approved.** The equipment has been approved for the specified use by a nationally recognized testing laboratory.

**Approved power-operated industrial truck.** One listed or approved for the intended use by a nationally recognized testing laboratory.

**Apron.** That open portion of a marine terminal immediately adjacent to a vessel berth and used in the direct transfer of cargo between the terminal and vessel.

**Assistant director for DOSH.** The assistant director of DOSH services, department of labor and industries or their authorized representative.

**Authorized.** In reference to an employee's assignment, means selected by the employer for that purpose.

**Cage (basket guard).** A barrier enclosing or nearly enclosing a ladder's climbing space and fastened to one or both of the ladder's side rails or to another structure.

**Cargo board.** The typical wing or lip-type stevedore board hoisted to or from vessels by means of a bar bridle. Other pallet boards include all other platforms used to hold cargo for the purpose of transporting it from place to place.

**Cargo door (transit shed door).** A door designed to permit transfer of cargo to and from a marine terminal structure.

**Cargo packaging.** Any method of containment for shipment, including cases, cartons, crates, and sacks, but excluding large units such as intermodal containers, vans, or similar devices.

**Confined space.** A space that:

- (a) Is large enough and so configured that an employee can bodily enter and perform assigned work; and
- (b) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults,

and pits are spaces that may have limited means of entry); and

(c) Is not designed for continuous employee occupancy.

**Conveyor.** A device designed exclusively for transporting bulk materials, packages or objects in a predetermined path and having fixed or selective points of loading or discharge.

**Danger zone.** Any place in or about a machine or piece of equipment where an employee may be struck by or caught between moving parts, caught between moving and stationary objects or parts of the machine, caught between the material and a moving part of the machine, burned by hot surfaces or exposed to electric shock. Examples of danger zones are nip and shear points, shear lines, drive mechanisms, and areas beneath counterweights.

**Designated person.** A person who possesses specialized abilities in a specific area and is assigned by the employer to perform a specific task in that area.

**Dock.** A wharf or pier forming all or part of a waterfront facility, including marginal or quayside berthing facilities; not to be confused with "loading dock" as at a transit shed or container freight station, or with the body of water between piers or wharves.

**Dock facilities.** Includes all piers, wharves, sheds, aprons, dolphins, cranes, or other gear or equipment owned or controlled by the dock or facility owner, where cargo or materials are loaded, moved or handled to or from a vessel.

**Dockboards (car and bridge plates).** Devices for spanning short distances between rail cars or highway vehicles and loading platforms that do not expose employees to falls greater than 4 feet (1.22 m).

**DOSH.** Division of Occupational Safety and Health.

**Elevator.** A permanent hoisting and lowering mechanism with a car or platform moving vertically in guides and serving two or more floors of a structure. The term excludes such devices as conveyors, tiering or piling machines, material hoists, skip or furnace hoists, wharf ramps, lift bridges, car lifts, and dumpers.

**Enclosed space.** An indoor space, other than a confined space, that may contain or accumulate a hazardous atmosphere due to inadequate natural ventilation. Examples of enclosed spaces are trailers, railcars, and storage rooms.

**Escalator.** A power-driven continuous moving stairway principally intended for the use of persons.

**Examination.** As applied to material handling devices required to be certified by this chapter, means a comprehensive survey consisting of the criteria outlined in WAC 296-56-60093 through 296-56-60097. The examination is supplemented by a unit proof test in the case of annual survey.

**Fixed ladder.** A ladder, including individual rung ladders, permanently attached to a structure, building, or piece of equipment.

**Fixed stairway.** Interior or exterior stairs serving machinery, tanks, or equipment, and stairs to or from floors, platforms, or pits. The term does not apply to stairs intended only for fire exit purposes, to articulated stairs (the angle of which changes with the rise and fall of the base support) or to stairs forming an integral part of machinery.

**Flammable atmosphere.** An atmosphere containing more than ten percent of the lower flammable limit (LFL) of

a flammable or combustible vapor or dust mixed with air. Such atmospheres are usually toxic as well as flammable.

**Front-end attachments.**

(a) As applied to power-operated industrial trucks, means the various devices, such as roll clamps, rotating and sideshifting carriages, magnets, rams, crane arms or booms, load stabilizers, scoops, buckets, and dumping bins, attached to the load end for handling lifts as single or multiple units.

(b) As applied to cranes, means various attachments applied to the basic machine for the performance of functions such as lifting, clamshell, or magnet services.

**Fumigant.** Is a substance or mixture of substances, used to kill pests or prevent infestation, which is a gas or is rapidly or progressively transformed to the gaseous state even though some nongaseous or particulate matter may remain and be dispersed in the treatment space.

**Guarded.** Shielded, fenced, or enclosed by covers, casings, shields, troughs, spillways or railings, or guarded by position or location. Examples of guarding methods are guarding by location (positioning hazards so they are inaccessible to employees) and point of operation guarding (using barrier guards, two-hand tripping devices, electronic safety devices, or other such devices).

**Hazardous cargo, material, substance or atmosphere.**

(a) Any substance listed in chapters 296-62 and 296-841 WAC;

(b) Any material in the hazardous materials table and hazardous materials communications regulations of the Department of Transportation, 49 C.F.R. Part 172;

(c) Any article not properly described by a name in the hazardous materials table and hazardous materials communications regulations of the Department of Transportation, 49 C.F.R. Part 172, but which is properly classified under the definition of those categories of dangerous articles given in 49 C.F.R. Part 173;

(d) Atmospheres having concentrations of airborne chemicals in excess of permissible exposure limits as defined in chapter 296-62 WAC; or

(e) Any atmosphere with an oxygen content of less than nineteen and one-half percent by volume.

**Hot work.** Riveting, welding, flame cutting or other fire or spark-producing operation.

**House falls.** Spans and supporting members, winches, blocks, and standing and running rigging forming part of a marine terminal and used with a vessel's cargo gear to load or unload by means of married falls.

**Inspection.** As applied to material handling devices required to be certified by this chapter, includes a complete visual examination of all visible parts of the device.

**Intermodal container.** A reusable cargo container of rigid construction and rectangular configuration intended to contain one or more articles of cargo or bulk commodities for transportation by water and one or more other transport modes without intermediate cargo handling. The term includes completely enclosed units, open top units, fractional height units, units incorporating liquid or gas tanks and other variations fitting into the container system, demountable or with attached wheels. It does not include cylinders, drums, crates, cases, cartons, packages, sacks, unitized loads or any other form of packaging.

**Ladder safety device.** A support system limiting an employee's drop or fall from the ladder, and which may incorporate friction brakes, lifelines and lanyards, or sliding attachments.

**Loose gear.** Removable or replaceable components of equipment or devices which may be used with or as a part of assembled material handling units for purposes such as making connections, changing line direction and multiplying mechanical advantage. Examples include shackles and snatch blocks.

**Marina.** A small harbor or boat basin providing dockage, supplies, and services for small craft.

**Marine terminal.** Wharves, bulkheads, quays, piers, docks, and other berthing locations and adjacent storage or contiguous areas and structures associated with the primary movement of cargo or materials from vessel to shore or shore to vessel. It includes structures which are devoted to receiving, handling, holding, consolidation, loading or delivery of waterborne shipments and passengers, and areas devoted to the maintenance of the terminal or equipment. The term does not include production or manufacturing areas having their own docking facilities and located at a marine terminal nor storage facilities directly associated with those production or manufacturing areas.

**Other pallet boards.** All other platforms used to hold cargo for the purpose of transporting it from place to place.

**Permit-required confined space (permit space).** A confined space that has one or more of the following characteristics:

- (a) Contains or has a potential to contain a hazardous atmosphere;
- (b) Contains a material that has the potential for engulfing an entrant;
- (c) Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section; or
- (d) Contains any other recognized serious safety or health hazard.

**Ramps.** Other flat-surface devices for passage between levels and across openings not covered under "dockboards."

**Ship's stores.** Materials that are aboard a vessel for the upkeep, maintenance, safety, operation, or navigation of the vessel, or for the safety or comfort of the vessel's passengers or crew.

**Spiral stairway.** One with closed circular form, uniform sector-shaped treads and a supporting column.

**Spray booth.** An enclosure containing a flammable or combustible spraying operation and confining and limiting the escape of paint, vapor and residue by means of a powered exhaust system.

**Spraying area.** Any area where flammable vapors, mists or combustible residues, dusts or deposits may be present due to paint spraying operations.

**Well.** A permanent complete enclosure around a fixed ladder, which is attached to the walls of the well.

~~((PART A—GENERAL))~~

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

**WAC 296-56-600 Marine terminals.**

Summary

Your responsibility: To protect employees from hazards associated with marine terminals.

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Scope and applicability</u>	<u>WAC 296-56-60001</u>
<u>Variance and procedure</u>	<u>WAC 296-56-60003</u>
<u>Definitions</u>	<u>WAC 296-56-60005</u>
<u>Personnel</u>	<u>WAC 296-56-60006</u>
<u>Housekeeping</u>	<u>WAC 296-56-60007</u>
<u>Accident prevention program</u>	<u>WAC 296-56-60009</u>
<u>Emergency action plans</u>	<u>WAC 296-56-60010</u>

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

**WAC 296-56-60006 Personnel.** (1) ~~((Qualifications of))~~ You must make sure machinery operators~~(-)~~ meet qualifications:

(a) Only those employees determined by the employer to be competent by reason of training or experience, who understand the signs, notices, and operating instructions and are familiar with the signal code in use ~~((shall))~~ must be permitted to operate a crane, winch, or other power-operated cargo handling apparatus, or any power-operated vehicle, or give signals to the operator of any hoisting apparatus. Employees being trained and supervised by a designated individual may operate such machinery and give signals to operators during training.

(b) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate the employee ~~((shall))~~ must be permitted to operate a crane, winch, other power-operated cargo handling apparatus, or a power-operated vehicle.

(c) Persons who have recovered from a heart attack ~~((shall))~~ must be exempted from the provisions of (b) of this subsection, as it pertains to their heart condition, provided:

(i) A medical release is obtained from their attending medical doctor.

(ii) The release ~~((shall))~~ must state that the operation of a crane, winch, power-operated cargo handling apparatus, or power-operated vehicle, will not present a hazard to themselves or others.

(iii) An examination by a medical doctor, and renewal of the work release certification is required annually.

(2) You must meet the following requirements for supervisory accident prevention proficiency~~(-)~~:

(a) Immediate supervisors of cargo-handling operations of more than five persons ~~((shall))~~ must satisfactorily com-

plete a course in accident prevention. Employees newly assigned to supervisory duties ~~((shall))~~ must be required to meet the provisions of this subsection (2)(a) within ninety days of such assignment.

(b) The course ~~((shall))~~ must consist of instruction suited to the particular operations involved.

(c) No minor under eighteen years of age ~~((shall))~~ must be employed in occupations involving the operation of any power-operated hoisting apparatus or assisting in such operations by performing work such as hooking on or landing drafts, rigging gear, etc.

AMENDATORY SECTION (Amending WSR 92-22-067, filed 10/30/92, effective 12/8/92)

**WAC 296-56-60007 Housekeeping.** (1) You must keep active work areas ~~((shall be kept))~~ free of equipment and materials not in use, and clear of debris, projecting nails, strapping and other sharp objects not necessary for the work in progress.

(2) You must make sure hatch beams, covers, and pontoons placed in terminal working areas ~~((shall be))~~ are stowed in stable piles with beams secured against tipping or falling. Alternatively, beams may be laid on their sides. When beams and pontoons are stowed in tiers more than one high, dunnage or other suitable material ~~((shall))~~ must be used under and between tiers.

(3) ~~((Cargo and material shall))~~ You must not obstruct access to vessels, cranes, vehicles, or buildings with cargo and materials. Means of access and egress within buildings ~~((shall))~~ must be unobstructed.

(4) ~~((The employer shall))~~ You must eliminate, to the extent possible, conditions causing slippery working or walking surfaces in immediate work areas used by employees.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-56-60009 Accident prevention program.**

(1) You must establish an accident prevention program, which provides equitable management-employee participation, ~~((shall be established))~~ in all establishments, industrial plants, or operations.

(2) ~~((It shall be the responsibility of the employer to))~~ You must initiate and maintain the accident prevention program necessary to comply with this section. ~~((The division of WISHA services))~~ DOSH may be contacted for assistance in initiating and maintaining an effective accident prevention program.

(3) You must tailor all accident prevention programs ~~((shall be tailored))~~ to the needs of the particular operation.

(4) You must have employer and employee representatives, as elected, delegated or appointed, ~~((shall))~~ to attend and actively take part in frequent and regular safety committee meetings.

(5) You must provide in the accident prevention programs ~~((shall provide))~~ for employer-employee safety meetings and frequent and regular safety inspections of job sites, materials, equipment, and operating procedures.

(6) You must maintain a record of safety activities, such as inspections and meetings, ~~((shall be maintained by the~~

~~employer))~~ for a period covering the previous twelve months and ~~((shall))~~ must be made available, upon request, to non-compliance personnel of the department of labor and industries.

(7) You must ensure employees ~~((shall))~~ individually comply with all safety rules and cooperate with management in carrying out the accident prevention program.

(8) You must establish committees in each port to make effective the preceding statement and promote on-the-job accident prevention ~~((, committees shall be established in each port))~~. These committees ~~((shall))~~ must consist of an equal number of port or stevedore company and longshoremen representatives at the job level with the industry or company safety supervisor serving as secretary and coordinator. Some functions of the committee are to maintain the interest of the workers in accident prevention by providing for their actual participation in the program, to direct their attention to the real causes of accidents, and to provide a means for making practical use of their intimate knowledge of working conditions and practices.

(9) It is intended that this program will produce mutually practical and effective recommendations regarding correction of accident-producing circumstances and conditions.

Note: For first-aid requirements, see WAC 296-800-150.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-56-60010 Emergency action plans.** (1) ~~((Scope and application. This section requires all employers to))~~ You must develop and implement an emergency action plan. The emergency action plan ~~((shall))~~ must be in writing (except as provided in subsection (5)(d) of this section) and ~~((shall))~~ must cover those designated actions employers and employees must take to ensure employee safety from fire and other emergencies.

Note: When an employer directs ~~((his or her))~~ their employees to respond to an emergency that is beyond the scope of the emergency action plan developed in accordance with this section, then chapter 296-824 WAC ~~((shall))~~ must apply.

(2) ~~((Elements.))~~ You must include the following elements, at a minimum, ~~((shall be included))~~ in the plan:

(a) Emergency escape procedures and emergency escape route assignments;

(b) Procedures to be followed by employees who remain to operate critical plant operations before they evacuate;

(c) Procedures to account for all employees after emergency evacuation has been completed;

(d) Rescue and medical duties for those employees who are to perform them;

(e) The preferred means of reporting fires and other emergencies; and

(f) Names or regular job titles of persons or departments that can be contacted for further information or explanation of duties under the plan.

(3) ~~((Alarm system. The employer shall))~~ You must establish an employee alarm system that provides warning for necessary emergency action and for reaction time for safe escape of employees from the workplace or the immediate work area.

(4) ~~((Evacuation. The employer shall))~~ You must establish the types of evacuation to be used in emergency circumstances.

(5) ~~((Training.))~~ You must meet the following requirements for training:

(a) Before implementing the emergency action plan, ~~((the employer shall))~~ you must designate and train a sufficient number of persons to assist in the safe and orderly emergency evacuation of employees.

(b) ~~((The employer shall))~~ You must review the plan with each employee covered by the plan at the following times:

- (i) Initially when the plan is developed;
- (ii) Whenever the employee's responsibilities or designated actions under the plan change; and
- (iii) Whenever the plan is changed.

(c) ~~((The employer shall))~~ You must review with each employee upon initial assignment those parts of the plan that the employee must know to protect the employee in the event of an emergency. The written plan ~~((shall))~~ must be kept at the workplace and be made available for employee review.

(d) ~~((Employers with ten or fewer employees))~~ You may communicate the plan orally to employees and need not maintain a written plan if you have ten or fewer employees.

**~~((PART B — WATERFRONT OPERATIONS))~~**

NEW SECTION

**WAC 296-56-60010A Waterfront operations.**

**Summary**

This section applies to all waterfront operations in your workplace.

**Your responsibility:** To protect employees from waterfront operation hazards in your workplace.

<b>You must meet the requirements...</b>	<b>in this section:</b>
Slinging	WAC 296-56-60011
Stacking of cargo and pallets	WAC 296-56-60013
Coopering	WAC 296-56-60015
Line handling	WAC 296-56-60017
Standard gauge railroad operations	WAC 296-56-60019
Signals displayed by each maintenance crew	WAC 296-56-60021
Warning flags or lights	WAC 296-56-60023
Signals unobscured	WAC 296-56-60025
Audible warning system	WAC 296-56-60027
Safety observer on railroad switching	WAC 296-56-60029
Warning at road crossing	WAC 296-56-60031
Flying switches	WAC 296-56-60033
Clearance from railroad tracks	WAC 296-56-60035

<b>You must meet the requirements...</b>	<b>in this section:</b>
Car plates	WAC 296-56-60037
Dockboards (bridge plates)	WAC 296-56-60039
Log handling	WAC 296-56-60041
Movement of barges and railcars	WAC 296-56-60043
Communication	WAC 296-56-60045
Open fires	WAC 296-56-60047

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

**WAC 296-56-60011 Slinging.** (1) ~~((Drafts shall be safely slung))~~ You must safely sling drafts before being hoisted. Loose dunnage or debris hanging or protruding from loads ~~((shall))~~ must be removed.

(2) You must hoist bales of cotton, wool, cork, wood pulp, gunny bags, or similar articles ~~((shall be hoisted))~~ only by straps strong enough to support the weight of the bale. At least two hooks, each in a separate strap, ~~((shall))~~ must be used.

(3) You must only hoist unitized loads bound by bands or straps ~~((shall only be hoisted))~~ by the banding or strapping if the banding or strapping is suitable for hoisting and is strong enough to support the weight of the load.

(4) You must use additional means of hoisting ~~((shall be employed))~~ to ensure safe lifting of unitized loads having damaged banding or strapping.

(5) You must use case hooks ~~((shall be used))~~ only with cases designed to be hoisted by these hooks.

(6) You must guide loads requiring continuous manual guidance during handling ~~((shall be guided))~~ by guide ropes (tag lines) that are long enough to control the load.

(7) You must handle intermodal containers ~~((shall be handled))~~ in accordance with WAC 296-56-60103.

(8) ~~((The employer shall))~~ You must require employees to stay clear of the area beneath overhead drafts or descending lifting gear.

(9) ~~((Employees shall not be permitted))~~ You must not permit employees to ride the hook or the load.

(10) You must attach cargo handling bridles, such as pallet bridles, which are to remain attached to the hoisting gear while hoisting successive drafts, ~~((shall be attached))~~ by shackles, or other positive means ~~((shall))~~ must be taken to prevent them from becoming accidentally disengaged from the cargo hook.

(11) You must sling drafts of lumber, pipe, dunnage and other pieces, the top layer of which is not bound by the sling, ~~((shall be slung))~~ in such a manner as to prevent sliders. Double slings ~~((shall))~~ must be used on unstrapped dunnage, except, when due to the size of hatch or deep tank openings, it is impractical to use them.

(12) You must not load hand loaded buckets, tubs, bins and baskets used in handling bulk cargo ~~((shall not be loaded))~~ above their rim.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

**WAC 296-56-60013 Stacking of cargo and pallets.** You must stack cargo, pallets, and other material stored in tiers (~~(shall be stacked)~~) in such a manner as to provide stability against sliding and collapse.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

**WAC 296-56-60015 Coopering.** You must perform repair and reconditioning of damaged or leaking cargo packaging (coopering) (~~(shall be performed)~~) so as not to endanger employees.

AMENDATORY SECTION (Amending WSR 09-15-144, filed 7/21/09, effective 9/1/09)

**WAC 296-56-60017 Line handling.** (1) (~~(In order to provide safe access for handling lines while mooring and unmooring vessels,)~~) You must not stow cargo or material (~~(shall not be stowed or vehicles placed)~~) or place vehicles where they obstruct the work surface, in order to provide safe access for handling lines while mooring and unmooring vessels.

(2) You must install grab lines or rails on the sides of permanent structures when stringpiece or apron width is insufficient for safe footing (~~(grab lines or rails shall be installed on the sides of permanent structures)~~). ("Stringpiece" means a narrow walkway between the water edge of a berth and a shed or other structure.)

(3) You must light areas around bitts or cleats where workers perform their duties as line handlers (~~(shall be lighted)~~) as required by this chapter. There (~~(shall)~~) must be a nonslip surface around each bitt or cleat.

(4) You must ensure a six inch by six inch toeboard is installed if the handrail is omitted on the line handling side for walkways on which the mooring hawsers must be moved (~~(may have the handrail omitted on the line handling side provided a six inch by six inch toeboard is installed)~~).

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60019 Standard gauge railroad operations.** WAC 296-56-60019 through 296-56-60041 apply to standard gauge railroad operations.

(1) (~~(Work shall be)~~) You must make sure work is performed in railcars only if floors of the railcars are in visibly safe condition for the work activity being conducted and the equipment being used.

(2) You must establish a route (~~(shall be established)~~) to allow employees to pass to and from places of employment without passing under, over or through railcars, or between cars less than ten feet (3 m) apart on the same track.

(3) (~~(The employer shall)~~) You must direct that no employees remain in railcars after work is concluded. No employee (~~(shall)~~) may remain in a railcar after work is concluded.

(4) (~~(Railcars shall be)~~) You must make sure railcars are chocked or otherwise prevented from moving:

(a) While dockboards or carplates are in position; or

(b) While employees are working within, on or under the railcars or near the tracks at the ends of the cars.

(5) You must take positive means to protect employees from exposure to impact from moving railcars when employees are working in, on, or under a railcar (~~(positive means shall be taken to protect them from exposure to impact from moving railcars)~~).

(6) You must protect employees by flags and derails set a minimum of fifty feet from one or both ends of the worksite when there is work being carried on, in, or under cars which subjects employees to the hazard of moving railroad equipment (~~(shall be protected by flags and derails set a minimum of fifty feet from one or both ends of the worksite)~~). Where the spur track switch is less than fifty feet from the work location, the switch padlocked in the open position may take the place of the derail. The blue flag (~~(shall)~~) must be placed at that point.

(7) You must remove or place unsecured and over-hanging stakes, wire straps, banding, and similar objects so as not to create hazards before cars are moved (~~(unsecured and over-hanging stakes, wire straps, banding, and similar objects shall be removed or placed so as not to create hazards)~~).

(8) (~~(The employer shall)~~) You must institute all necessary controls during railcar movement to safeguard personnel. If winches or capstans are employed for movement, employees (~~(shall)~~) must stand clear of the hauling rope and (~~(shall)~~) must not stand between the rope and the cars.

(9) You must open doors slightly before being opened fully (~~(doors shall be opened slightly)~~) to ensure that the load has not shifted during transit. Special precautions (~~(shall)~~) must be taken if the doors being opened are visibly damaged.

(10) You must equip trucks or railcar doors with door opening attachments if power industrial trucks are used to open freight car doors (~~(the trucks or the railcar doors shall be equipped with door opening attachments)~~). Employees (~~(shall)~~) must stand clear of the railcar doors while they are being opened and closed.

(11) (~~(Only)~~) You must only use railcar door openers or power trucks equipped with door opening attachments (~~(shall be used)~~) to open jammed doors.

(12) (~~(Employees shall)~~) You must make sure employees do not remain in or on gondolas or flat cars when drafts that create overhead, caught-in, caught-between or struck-by hazards are being landed in or on the railcar. End gates, if raised, (~~(shall)~~) must be secured.

(13) You must make sure operators of railcar dumps (~~(shall)~~) have an unrestricted view of dumping operations and (~~(shall)~~) must have an emergency means of stopping movement.

(14) You must enclose recessed railroad switches (~~(shall be enclosed)~~) to provide a level surface.

(15) You must post warning signs (~~(shall be posted)~~) where doorways open onto tracks, at blind corners and at similar places where vision may be restricted.

(16) You must post warning signs (~~(shall be posted)~~) if insufficient clearance for personnel exists between railcars and structures.



AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

**WAC 296-56-60021 Signals displayed by each maintenance crew.** You must have each maintenance crew (~~shall~~) display and remove its own set of blue signals.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60023 Warning flags or lights.** You must display a blue flag, bright colored flag or blue light (~~shall be displayed~~) at one or both ends of an engine, car or train to indicate that workers are under or about the railway equipment. When such warning devices are displayed, the equipment (~~shall~~) must not be coupled to or moved. On a dead end spur, a blue light or flag may be displayed adjacent to the switch opening while cars are being loaded or unloaded.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60025 Signals unobscured.** You must not place equipment which could obscure signals (~~shall not be placed~~) on the track.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60027 Audible warning system.** You must employ a clearly audible warning system (~~shall be employed~~) when cars are being moved in areas where workers may be in the vicinity of the tracks. When the audible warning signal might not be heard above the surrounding noises, a person (~~shall~~) must be delegated and stationed close enough to the track crew to warn them, by contact, of the oncoming equipment.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60029 Safety observer on railroad switching.** You must have a person charged with the responsibility to warn of an approaching switch of the railway car or cars when persons are required to work between railway cars, underneath railway cars or in areas where switching is done, (~~there shall be a person charged with the responsibility to warn of an approaching switch of the railway car or cars,~~) unless other reasonable and practical safeguards are provided.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60031 Warning at road crossing.** You must have the locomotive engineer sound an audible whistle, horn or bell (~~shall be sounded by the locomotive engineer~~) to give adequate warning prior to switching across any road crossing. Whenever cars are pushed with a locomotive, a signalman (~~shall~~) must be located at the crossing to give signals in conjunction with other warnings by the engineer.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

**WAC 296-56-60033 Flying switches.** You must not use flying switches (~~shall not be used~~) when switching railroad equipment in congested areas or across roadways or walkways.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

**WAC 296-56-60035 Clearance from railroad tracks.** You must not stack or pile materials (~~shall not be stacked or piled~~) closer than eight and one-half feet from the center line of the railroad tracks.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60037 Car plates.** You must use a railway car plate whenever workers are required to move cargo into or out of a railway car (~~a railway car plate shall be used which shall~~) that meets the following specifications:

(1) All car plates (~~shall~~) must be strong enough to carry maximum loads with a safety factor of three.

(2) All car plates (~~shall~~) must be provided with positive stops to prevent shifting of plates. One set of these stops (~~shall~~) must be adjustable to allow for different spaces between car door and platform.

(3) Car plates (~~shall~~) must be so shaped that edges will always bear on the floor of car and platform to prevent "teetering" or rocking.

(4) All car plates (~~shall~~) must have skid resistant surfaces.

(5) All car plates (~~shall~~) must be provided with toe or guard plates at the sides with a minimum height of four inches.

(6) All car plates must bear no less than six inches back from edge of platform.

(7) Maximum capacity of car plates (~~shall~~) must be marked in a conspicuous place.

(8) Car plates (~~shall~~) must be provided with an appropriate fixture to enable the plates to be lifted and moved by fork trucks.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60039 Dockboards (bridge plates).** (1) You must use portable and powered dockboards (~~shall be~~) strong enough to carry the load imposed.

(2) You must secure portable dockboards (~~shall be secured~~) in position, either by being anchored or equipped with devices which will prevent slipping.

(3) You must design and construct powered dockboards (~~shall be designed and constructed~~) in accordance with commercial standards CS202-56 (1956) *Industrial Lifts and Hinged Loading Ramps* published by the United States Department of Commerce.

(4) You must provide handholds or other effective means(~~(, shall be provided)~~) on portable dockboards to permit safe handling.

(5) You must provide positive protection (~~(shall be provided)~~) to prevent railroad cars from being moved while dockboards or bridge plates are in position.

AMENDATORY SECTION (Amending WSR 92-22-067, filed 10/30/92, effective 12/8/92)

**WAC 296-56-60041 Log handling.** (1) (~~The employer shall~~) You must ensure that structures (bunks) used to contain logs have rounded corners and rounded structural parts to avoid sling damage.

(2) You must have two or more binders or equivalently safe means of containment (~~(shall remain)~~) on logging trucks and railcars to secure logs during movement of the truck or car within the terminal. During unloading, logs (~~(shall)~~) must be prevented from moving while binders are being removed.

(3) (~~(Logs shall be hoisted)~~) You must hoist logs by two slings or by other gear designed for safe hoisting.

(4) You must not stack logs placed adjacent to vehicle curbs on the dock (~~(shall not be)~~) over one tier high unless placed in bunks or so stacked as not to roll or otherwise creating a hazard to employees.

(5) You must make sure before logs are slung up from the dock, they (~~(shall be)~~) are stably supported to prevent spreading and to allow passage of slings beneath the load. When bunks or similar retaining devices are used, no log shall be higher than the stanchions or retaining members of the device.

(6) You must make sure a draft of logs for hoisting aboard ship (~~(shall)~~) will not vary in length more than twenty percent.

(7) You must make sure audible alarms(~~(-)~~) meet the following requirements:

(a) All bidirectional machines, (~~(shall)~~) must be equipped with a horn, distinguishable from the surrounding noise level, which (~~(shall)~~) must be operated as needed when the machine is moving in either direction. The horn (~~(shall)~~) must be maintained in operable condition.

(b) Automatic back-up alarms (~~(shall)~~) must be installed on bidirectional equipment used to handle logs or containers and (~~(shall)~~) must be maintained in operable condition.

AMENDATORY SECTION (Amending WSR 92-22-067, filed 10/30/92, effective 12/8/92)

**WAC 296-56-60043 Movement of barges and railcars.** You must not move barges and railcars (~~(shall not be moved)~~) by cargo runners (running rigging) from vessel cargo booms, cranes or other equipment not suitable for the purpose.

AMENDATORY SECTION (Amending WSR 85-10-004, filed 4/19/85)

**WAC 296-56-60045 Communication.** (1) (~~(Radio-)~~) You must provide crane operators, when practical and safe, (~~(crane operators shall be provided)~~) with a radio or tele-

phone to be in contact with the signalman or crane chaser in those cases where a signalman or crane chaser is required.

(2) (~~(Interference-)~~) You must make sure cargo handling operations (~~(shall not be)~~) are not carried on when noise-producing maintenance, construction or repair work interferes with communication of warnings or instructions.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

**WAC 296-56-60047 Open fires.** You must prohibit open fires and fires in drums or similar containers (~~(are prohibited)~~).

~~((PART C — HAZARDOUS ATMOSPHERES AND MATERIALS))~~

NEW SECTION

**WAC 296-56-60048 Hazardous atmospheres and materials.**

**Summary**

This section applies to all machines in your workplace.

**Your responsibility:** To protect employees from hazardous atmospheres and materials in the workplace.

<b>You must meet the requirements...</b>	<b>in this section:</b>
Hazardous cargo	WAC 296-56-60049
Handling explosives or hazardous materials	WAC 296-56-60051
Hazardous atmospheres and substances	WAC 296-56-60053
Carbon monoxide	WAC 296-56-60055
Fumigants, pesticides, insecticides and hazardous preservatives (see also WAC 296-56-60049, 296-56-60051 and 296-56-60053)	WAC 296-56-60057

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60049 Hazardous cargo.** (1) You must ascertain whether any hazardous cargo is to be handled and must determine the nature of the hazard before cargo handling operations begin(~~(, the employer shall ascertain whether any hazardous cargo is to be handled and shall determine the nature of the hazard. The employer shall)~~). You must inform employees of the nature of any hazard and any special precautions to be taken to prevent employee exposure, and (~~(shall)~~) must instruct employees to notify the employer of any leaks or spills.

(2) You must sling and secure all hazardous cargo (~~(shall be slung and secured)~~) so that neither the draft nor individual packages can fall as a result of tipping the draft or slackening of the supporting gear.

(3) You must remove employees from the affected area if hazardous cargo is spilled or if its packaging leaks(~~(- employees shall be removed from the affected area)~~) until the employer has ascertained the specific hazards, provided any equipment, clothing, ventilation and fire protection equipment necessary to eliminate or protect against the hazard. Cleanup employees (~~(shall)~~) must be instructed as to the safe method of cleaning up and disposing of the spill, and handling and disposing of leaking containers. Actual cleanup or disposal work (~~(shall)~~) must be conducted under the supervision of a designated person.

(4) The Department of Transportation and the United States Coast Guard impose requirements related to handling, storing and transportation of hazardous cargo (see 33 C.F.R. Part 126, 46 C.F.R., 49 C.F.R.).

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60051 Handling explosives or hazardous materials.** (1) You must thoroughly inform all workers handling explosive or other hazardous material which is properly labeled pursuant to the Washington State Labeling Code, chapters 296-62 and 296-64 WAC, promulgated by the department of labor and industries; or the Explosive Act, chapter 70.74 RCW and chapter 296-52 WAC; or the Federal and Washington State Food, Drug and Cosmetic Acts; the Federal Insecticide, Fungicide and Rodenticide Act, the Washington Pesticide Act, chapter 17.21 RCW; the Federal Hazardous Substances Labeling Act; or the Interstate Commerce Commission and Foreign Commerce regulations; or explosives or other dangerous cargo which is reasonably known by the employers to be mislabeled or to be lacking a required label, (~~(shall be thoroughly informed by the employer)~~) of the explosive or hazardous nature of the cargo.

(2) (~~(It)~~) You must ensure that all shipping operations including, but not limited to, handling, storage, and preparation, compliance with the standards of the Interstate Commerce Commission, the United States Coast Guard, or the safety rules developed by the Institute of Makers of Explosives (~~(shall be)~~) are deemed proper and safe methods of operation.

(3) (~~(Handling of breakage.)~~) You must require the foreman to order the work in the immediate area to cease, if breakage should occur while handling explosives or other hazardous materials, (~~(the foreman shall order the work in the immediate area to cease)~~) until the hazard has been removed. (~~(It shall be the responsibility of the employer to)~~) You must use a safe method of handling such breakage and placing it in a remote, safe location.

(4) (~~(No smoking.)~~) You must prohibit all workers supervising or engaged in the handling, hoisting, stowing of explosives, combustible oxidizing materials or flammable materials (~~(shall smoke only)~~) from smoking, except in designated areas. No person shall smoke within one hundred feet of any location where such materials are handled or stored.

(5) (~~(Loading chute.)~~) You must take care in chuting packaged explosives(~~(- care must be exercised)~~) to ensure that one package is taken from the mat before starting

another. Each package (~~(shall)~~) must be completely removed from the mat before another is placed on the chute.

(6) (~~(Specifications for chutes.)~~) You must construct chutes only of wood in the loading of explosive merchandise in package form where chutes are used(~~(- the chutes shall be constructed only of wood)~~). All fastenings shall be of wooden pins, dowelings, or pegs. Metal fastenings may be used, provided they are countersunk.

(7) (~~(Mattress landing buffer. The bottoms of the chutes shall be provided with)~~) You must provide a stuffed mattress not less than four inches thick and of sufficient width and length to allow for safe landing of packages at the bottoms of the chutes.

(8) You must sling and secure drafts of hazardous or explosive cargo shall be so slung and secured that neither the draft nor individual packages can fall as a result of tipping the draft or slackening the supporting gear.

AMENDATORY SECTION (Amending WSR 05-03-093, filed 1/18/05, effective 3/1/05)

**WAC 296-56-60053 Hazardous atmospheres and substances.** (1) Purpose and scope. (~~(This section covers areas where a hazardous atmosphere or substance may exist, except where one or more of the following sections apply: WAC 296-56-60049 Hazardous cargo; WAC 296-56-60051 Handling explosives or hazardous materials; WAC 296-56-60055 Carbon monoxide; WAC 296-56-60057 Fumigants, pesticides, insecticides and hazardous preservatives; WAC 296-56-60107 Terminal facilities handling menhaden and similar species of fish; WAC 296-56-60235 Welding, cutting and heating (hot work); and WAC 296-56-60237 Spray painting.)~~)

**Important:**

This section covers areas where a hazardous atmosphere or substance may exist, except where one or more of the following sections apply:

1. WAC 296-56-60049 Hazardous cargo
2. WAC 296-56-60051 Handling explosives or hazardous materials
3. WAC 296-56-60055 Carbon monoxide
4. WAC 296-56-60057 Fumigants, pesticides, insecticides and hazardous preservatives
5. WAC 296-56-60107 Terminal facilities handling menhaden and similar species of fish
6. WAC 296-56-60235 Welding, cutting and heating (hot work)
7. WAC 296-56-60237 Spray painting

(2) You must make a determination of hazard(-):

(a) Whenever a room, building, vehicle, railcar or other space contains or has contained a hazardous atmosphere, a designated and appropriately equipped person (~~(shall)~~) must test the atmosphere before entry to determine whether a hazardous atmosphere exists.

(b) Records of results of any tests required by this section ~~((shall))~~ must be maintained for at least thirty days.

(3) ~~((Testing during ventilation. When mechanical ventilation is used to maintain a safe atmosphere, tests shall be))~~ You must make sure tests are made by a designated person to ensure that the atmosphere is not hazardous when mechanical ventilation is used to maintain a safe atmosphere.

(4) ~~((Entry into hazardous atmospheres.))~~ You must make sure only designated persons ((shall)) enter hazardous atmospheres. The following provisions ((shall)) apply:

(a) Persons entering a space containing a hazardous atmosphere ~~((shall))~~ must be protected by respiratory and emergency protective equipment meeting the requirements of chapter 296-842 WAC;

(b) Persons entering a space containing a hazardous atmosphere ~~((shall))~~ must be instructed in the nature of the hazard, precautions to be taken, and the use of protective and emergency equipment. Standby observers, similarly equipped and instructed, ~~((shall))~~ must continuously monitor the activity of employees within such space; and

(c) Except for emergency or rescue operations, employees ~~((shall))~~ must not enter into any atmosphere which has been identified as flammable or oxygen deficient (less than nineteen and one-half percent oxygen). Persons who may be required to enter flammable or oxygen deficient atmospheres in emergency operations ~~((shall))~~ must be instructed in the dangers attendant to those atmospheres and instructed in the use of self-contained breathing apparatus, which ~~((shall))~~ must be utilized.

(d) To prevent inadvertent employee entry into spaces that have been identified as having hazardous, flammable or oxygen deficient atmospheres, appropriate warning signs or equivalent means ~~((shall))~~ must be posted at all means of access to those spaces.

(5) ~~((When the packaging of asbestos cargo leaks, spillage shall be cleaned up by))~~ You must make sure only designated employees protected from the harmful effects of asbestos as required by WAC 296-62-07517 and chapter 296-65 WAC, clean up spills when the packaging of asbestos cargo leaks.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60055 Carbon monoxide.** (1) ~~((Exposure limits.))~~ You must maintain the carbon monoxide content of the atmosphere in a room, building, vehicle, railcar or any enclosed space shall be maintained below fifty parts per million (0.005%) as an eight-hour time-weighted average. Employees ((shall)) must be removed from the enclosed space if the carbon monoxide concentration exceeds one hundred parts per million (0.01%).

(2) ~~((Testing.))~~ You must conduct tests to determine carbon monoxide concentration ((shall be made)) whenever necessary to ensure that employee exposure does not exceed the limits specified in subsection (1) of this section.

(3) ~~((Instrumentation.))~~ You must make sure tests for carbon monoxide concentration ((shall be)) are made by designated persons using gas detector tube units certified by

NIOSH under 30 C.F.R. Part 11 or other measuring instruments whose accuracy is as great or greater.

(4) ~~((Records.))~~ You must make available a record of the date, time, location and result of carbon monoxide tests ((shall be available)) for at least thirty days.

AMENDATORY SECTION (Amending WSR 05-03-093, filed 1/18/05, effective 3/1/05)

**WAC 296-56-60057 Fumigants, pesticides, insecticides and hazardous preservatives (see also WAC 296-56-60049, 296-56-60051 and 296-56-60053).** (1) You must make a determination as to whether a hazardous atmosphere is present whenever cargo in a space is or has been stowed, handled, or treated with a fumigant, pesticide, insecticide, or hazardous preservative ((, a determination shall be made as to whether a hazardous atmosphere is present in the space)). Only employees protected as required in subsection (5) of this section shall enter the space if it is hazardous.

(2) You must make sure tests to determine the atmospheric concentration of chemicals used to treat cargo ((shall be)) are:

(a) Appropriate for the hazard involved;

(b) Conducted by designated persons; and

(c) Performed at the intervals necessary to ensure that employee exposure does not exceed the permissible exposure limit for the chemical involved, see chapters 296-62 and 296-841 WAC.

(3) ~~((Results of any tests shall be available))~~ You must make available any test results for at least thirty days.

(4) ~~((Chemicals shall only be))~~ You must make sure chemicals are only applied to cargoes by designated persons.

(5) You must make sure only designated persons ((shall)) enter hazardous atmospheres. Whenever a hazardous atmosphere is entered the following provisions apply((-):

(a) Persons entering a space containing a hazardous atmosphere ~~((shall))~~ must be protected by respiratory and emergency protective equipment meeting the requirements of part G of this standard; and

(b) Persons entering a space containing a hazardous atmosphere ~~((shall))~~ must be instructed in the nature of the hazard, precautions to be taken, and the use of protective and emergency equipment. Standby observers, similarly equipped and instructed, ~~((shall))~~ must continuously monitor the activity of employees within such a space.

(6) ~~((Signs shall be clearly posted))~~ You must clearly post signs where fumigants, pesticides or hazardous preservatives have created a hazardous atmosphere. These signs ((shall)) must note the danger, identify specific chemical hazards, and give appropriate information and precautions, including instructions for the emergency treatment of employees affected by any chemical in use.

(7) ~~((In the case of containerized shipments of fumigated tobacco.))~~ You must aerate the contents of ((the)) a container ((shall be aerated)) by opening the container doors for a period of forty-eight hours after the completion of fumigation and prior to loading in the case of containerized shipments of fumigated tobacco. When tobacco is within shipping cases having polyethylene or similar bag liners, the aeration period ((shall)) must be seventy-two hours. ((The employer shall))

You must obtain a written warranty from the fumigation facility stating that the appropriate aeration period has been met.

~~((PART E — CARGO HANDLING GEAR AND EQUIPMENT))~~

NEW SECTION

**WAC 296-56-60070 Cargo handling gear and equipment.**

**Summary**

This section applies to all cargo handling gear and equipment in your workplace.

**Your responsibility:** To protect employees from cargo handling gear and equipment hazards in your workplace.

<b>You must meet the requirement...</b>	<b>in this section:</b>
House falls	WAC 296-56-60071
Miscellaneous auxiliary gear	WAC 296-56-60073
Cargo boards and other type pallet boards	WAC 296-56-60075
Powered industrial trucks	WAC 296-56-60077
General rules applicable to vehicles	WAC 296-56-60079
Multipiece and single-piece rim wheels	WAC 296-56-60081
Cranes and derricks	WAC 296-56-60083
Crane load and limit devices	WAC 296-56-60085
Winches	WAC 296-56-60087
Conveyors	WAC 296-56-60089
Spouts, chutes, hoppers, bins, and associated equipment	WAC 296-56-60091
Certification of marine terminal material handling devices	WAC 296-56-60093
Advisory crane certification panel	WAC 296-56-60095
Unit proof load test and inspection	WAC 296-56-60097
Examination and inspection of cranes and derricks	WAC 296-56-60098
Hand tools	WAC 296-56-60099

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

**WAC 296-56-60071 House falls.** (1) You must secure span beams (~~((shall be secured))~~) to prevent accidental dislodgement.

(2) You must provide a safe means of access (~~((shall be provided))~~) for employees working with house fall blocks.

(3) You must have designated employees (~~((shall))~~) inspect chains, links, shackles, swivels, blocks and other loose gear used in house fall operations before each day's use. Defective gear (~~((shall))~~) must not be used.

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

**WAC 296-56-60073 Miscellaneous auxiliary gear.** (1) You must meet the following requirements for routine inspections(-):

(a) At the completion of each use, loose gear such as slings, chains, bridles, blocks, and hooks (~~((shall))~~) must be so placed as to avoid damage to the gear. Loose gear (~~((shall))~~) must be inspected and any defects corrected before reuse.

(b) All loose gear (~~((shall))~~) must be inspected by the employer or (~~((his/her))~~) their authorized representative before each use and, when necessary, at intervals during its use, to ensure that it is safe. Any gear which is found upon inspection to be unsafe (~~((shall))~~) must not be used until it is made safe.

(c) Defective gear (~~((shall))~~) must not be used. Distorted hooks, shackles, or similar gear (~~((shall))~~) must be discarded.

(d) Chains or other gear which have been lengthened, altered, or repaired by welding (~~((shall))~~) must be properly heat treated, and before again being put into use, (~~((shall))~~) must be tested and reexamined in the manner set forth in WAC 296-56-60097 and 296-56-60098.

(2) (~~((The employer shall))~~) You must maintain a record of the dates and results of the tests with each unit of gear concerned clearly identified. The records (~~((shall))~~) must be available for examination by division of consultation and compliance personnel and the employee safety committee.

(3) You must meet the following requirements for wire rope and wire rope slings(-):

(a) (~~((The employer shall))~~) You must ascertain and adhere to the manufacturer's recommended ratings for wire rope and wire rope slings and (~~((shall))~~) must have such ratings available at the terminal. When the manufacturer is unable to supply such ratings, (~~((the employer shall))~~) you must use the tables for wire rope and wire rope slings found in American National Safety Standard for Slings, ANSI/ASME B30.9-1984. A design safety factor of at least five (~~((shall))~~) must be maintained for the common sizes of running wire used as falls, in purchases or in such uses as light load slings. Wire rope with a safety factor of less than five may be used only:

(i) In specialized equipment, such as cranes designed to be used with lesser wire rope safety factors;

(ii) In accordance with design factors in standing rigging applications; or

(iii) For heavy lifts or other purposes for which a safety factor of five is impractical and for which the employer can demonstrate that equivalent safety is ensured.

(b) Wire rope or wire rope slings exhibiting any of the following conditions (~~((shall))~~) must not be used:

(i) Ten randomly distributed broken wires in one rope lay or three or more broken wires in one strand in one rope lay;

- (ii) Kinking, crushing, bird caging, or other damage resulting in distortion of the wire rope structure;
  - (iii) Evidence of heat damage;
  - (iv) Excessive wear, corrosion, deformation or other defect in the wire or attachments, including cracks in attachments;
  - (v) Any indication of strand or wire slippage in end attachments; or
  - (vi) More than one broken wire in the close vicinity of a socket or swaged fitting.
- (c) Four by twenty-nine (4 x 29) wire rope ~~((shall))~~ must not be used in any running rigging.
- (d) Protruding ends of strands in splices on slings and bridles ~~((shall))~~ must be covered or blunted. Coverings ~~((shall))~~ must be removable so that splices can be examined. Means used to cover or blunt ends ~~((shall))~~ must not damage the wire.
- (e) Where wire rope clips are used to form eyes, ~~((the employer shall))~~ you must adhere to the manufacturer's recommendations, which ~~((shall))~~ must be available at the terminal. If "U" bolt clips are used and the manufacturer's recommendations are not available, Table C-1 ~~((shall))~~ must be used to determine the number and spacing of clips. "U" bolts ~~((shall))~~ must be applied with the "U" section in contact with the dead end of the rope.

**Table C-1 (—)**

**Number and Spacing of U-Bolt Wire Rope Clips**

Improved plow steel, rope diameter	Minimum number of clips		Minimum spacing
	Drop forged	Other material	
inches/(cm)			inches/(cm)
1/2 or less (1.3)	3	4	3 (7.6)
5/8 (1.6)	3	4	3 3/4 (9.5)
3/4 (1.9)	4	5	4 1/2 (11.4)
7/8 (2.2)	4	5	5 1/4 (13.3)
1 (2.5)	5	7	6 (15.2)
1 1/8 (2.9)	6	7	6 3/4 (17.1)
1 1/4 (3.2)	6	8	7 1/2 (19.1)
1 3/8 (3.5)	7	8	8 1/4 (21.0)
1 1/2 (3.8)	7	9	9 (22.9)

- (f) Wire rope ~~((shall))~~ must not be secured by knots.
- (g) Eyes in wire rope bridles, slings, bull wires, or in single parts used for hoisting ~~((shall))~~ must not be formed by wire rope clips or knots.
- (h) Eye splices in wire ropes ~~((shall))~~ must have at least three tucks with a whole strand of the rope and two tucks with one-half of the wire cut from each strand. Other forms of splices or connections which are demonstrated to be equally safe may be used.
- (i) Except for eye splices in the ends of wires and for endless rope slings, each wire rope used in hoisting or lowering, or in bulling cargo, ~~((shall))~~ must consist of one continuous piece without knot or splice.

- (4) You must meet the following requirements for natural fiber rope.
  - (a) ~~((The employer shall))~~ You must ascertain the manufacturer's ratings for the specific natural fiber rope used and have such ratings available at the terminal. The manufacturer's ratings ~~((shall))~~ must be adhered to and a minimum design safety factor of five maintained.
  - (b) Eye splices ~~((shall))~~ must consist of at least three full tucks. Short splices ~~((shall))~~ must consist of at least six full tucks, three on each side of the center line.
- (5) You must meet the following requirements for synthetic rope(-):
  - (a) ~~((The employer shall))~~ You must adhere to the manufacturer's ratings and use recommendations for the specific synthetic fiber rope used and ~~((shall))~~ must have such ratings available at the terminal.
  - (b) Unless otherwise recommended by the manufacturer, when synthetic fiber ropes are substituted for manila ropes of less than three inches (7.62 cm) circumference, the substitute ~~((shall))~~ must be of equal size. Where substituted for manila rope of three inches or more in circumference, the size of the synthetic rope ~~((shall))~~ must be determined from the formula:

$$C = \sqrt{.6(C_s^2) + .4(C_m^2)}$$

Where C = the required circumference of the synthetic rope in inches, C<sub>s</sub> = the circumference to the nearest one-quarter inch of a synthetic rope having a breaking strength not less than that of the size manila rope that would be required by subsection (4) of this section, and C<sub>m</sub> = the circumference of manila rope in inches which would be required by subsection (4) of this section.

- (c) In making such substitution, it ~~((shall))~~ must be ascertained that the inherent characteristics of the synthetic fiber are suitable for hoisting.
- (6) ~~((Removal of natural and synthetic rope from service.))~~ You must remove natural or synthetic rope having any of the following defects ~~((shall be removed))~~ from service:
  - (a) Abnormal wear;
  - (b) Powdered fiber between strands;
  - (c) Sufficient cut or broken fibers to affect the capacity of the rope;
  - (d) Variations in the size or roundness of strands;
  - (e) Discolorations other than stains not associated with rope damage;
  - (f) Rotting; or
  - (g) Distortion or other damage to attached hardware.
- (7) ~~((Thimbles.))~~ You must use properly fitting thimbles ~~((shall be used))~~ where any rope is secured permanently to a ring, shackle or attachment, where practical.
- (8) You must meet the following requirements for synthetic web slings(-):
  - (a) Slings and nets or other combinations of more than one piece of synthetic webbing assembled and used as a single unit (synthetic web slings) ~~((shall))~~ must not be used to hoist loads in excess of the sling's rated capacity.
  - (b) Synthetic web slings ~~((shall))~~ must be removed from service if they exhibit any of the following defects:
    - (i) Acid or caustic burns;
    - (ii) Melting or charring of any part of the sling surface;

- (iii) Snags, punctures, tears or cuts;
- (iv) Broken or worn stitches;
- (v) Distortion or damage to fittings; or
- (vi) Display of visible warning threads or markers designed to indicate excessive wear or damage.

(c) Defective synthetic web slings removed from service ~~((shall))~~ must not be returned to service unless repaired by a sling manufacturer or similar entity. Each repaired sling ~~((shall))~~ must be proof tested by the repairer to twice the slings' rated capacity prior to its return to service. ~~((The employer shall))~~ You must retain a certificate of the proof test and make it available for examination.

(d) Synthetic web slings provided by ~~((the employer shall))~~ you must only be used in accordance with the manufacturer's recommendations, which ~~((shall))~~ must be made available upon request.

(e) Fittings ~~((shall))~~ must have a breaking strength at least equal to that of the sling to which they are attached and ~~((shall))~~ must be free of sharp edges.

(9) You must meet the following requirements for chains and chain slings used for hoisting.

(a) ~~((The employer shall))~~ You must adhere to the manufacturer's recommended ratings for safe working loads for the sizes of the wrought iron and alloy steel chains and chain slings used and ~~((shall))~~ must have such ratings available. When the manufacturer is unable to provide such ratings, ~~((the employer shall))~~ you must use the tables for chains and chain slings found in American National Safety Standard for Slings, ANSI B30.9-1971.

(b) Proof coil steel chain, also known as common or hardware chain, and other chain not recommended by the manufacturer for slinging or hoisting ~~((shall))~~ must not be used for slinging or hoisting.

~~((+))~~ (c) Sling chains, including end fastenings, ~~((shall))~~ must be inspected for visible defects before each day's use and as often as necessary during use to ensure integrity of the sling.

~~((+))~~ (i) Thorough inspections of chains in use ~~((shall))~~ must be made quarterly to detect wear, defective welds, deformation, increase in length or stretch. The month of inspection ~~((shall))~~ must be indicated on each chain by color of paint on a link or by other effective means.

~~((+))~~ (ii) Chains ~~((shall))~~ must be removed from service when maximum allowable wear, as indicated in Table C-2, is reached at any point of link.

~~((+))~~ (iii) Chain slings ~~((shall))~~ must be removed from service when stretch has increased the length of a measured section by more than five percent; when a link is bent, twisted or otherwise damaged; or when a link has a raised scarf or defective weld.

~~((+))~~ (iv) Only designated persons shall inspect chains used for slinging and hoisting.

**Table C-2 (—)**

**Maximum Allowable Wear at Any Point of Link**

Chain Size		Maximum Allowable Wear	
Inches	(cm)	Inches	(cm)
1/4 (9/32)	(0.6)	3/64	(0.1)

Chain Size		Maximum Allowable Wear	
Inches	(cm)	Inches	(cm)
3/8	(1.0)	5/64	(0.2)
1/2	(1.3)	7/64	(0.3)
5/8	(1.6)	9/64	(0.4)
3/4	(1.9)	5/32	(0.4)
7/8	(2.2)	11/64	(0.4)
1	(2.5)	3/16	(0.5)
1 1/8	(2.9)	7/32	(0.6)
1 1/4	(3.2)	1/4	(0.6)
1 3/8	(3.5)	9/32	(0.7)
1 1/2	(3.8)	5/16	(0.8)
1 3/4	(4.4)	<del>((1- 1/32))</del> 11/32	(0.9)

(d) Chains ~~((shall))~~ must only be repaired under qualified supervision. Links or portions of chain defective under any of the criteria ~~((of WAC 296-56-60073 (9)(c) shall))~~ under (c) of this subsection must be replaced with properly dimensioned links or connections of material similar to that of the original chain. Before repaired chains are returned to service, they ~~((shall))~~ must be tested to the proof test load recommended by the manufacturer for the original chain. Tests ~~((shall))~~ must be performed by the manufacturer or ~~((shall))~~ must be certified by an agency accredited for the purpose under WAC 296-56-60093. Test certificates ~~((shall))~~ must be available at the terminal.

(e) Wrought iron chains in constant use ~~((shall))~~ must be annealed or normalized at intervals not exceeding six months. Heat treatment certificates ~~((shall))~~ must be available at the terminal. Alloy chains ~~((shall))~~ must not be annealed.

(f) Kinked or knotted chains ~~((shall))~~ must not be used for lifting. Chains ~~((shall))~~ must not be shortened by bolting, wiring or knotting. Makeshift links or fasteners such as wire, bolts or rods ~~((shall))~~ must not be used.

(g) Hooks, rings, links and attachments affixed to sling chains ~~((shall))~~ must have rated capacities at least equal to that of the chains to which they are attached.

(h) Chain slings ~~((shall))~~ must bear identification of size, grade and rated capacity.

(10) You must meet the following requirements for shackles(-):

(a) If available, the manufacturer's recommended safe working loads for shackles ~~((shall))~~ must not be exceeded. In the absence of manufacturer's recommendations, Table C-3 ~~((shall))~~ must apply.









(b) Screw pin shackles used aloft in house fall or other gear, except in cargo hook assemblies, ~~((shall))~~ must have their pins moused or otherwise effectively secured.









**Table C-3 ((—))  
Safe Working Loads for Shackles**

Material Size		Pin Diameter		Safe Working Load in 2,000 lb Tons
Inches	(cm)	Inches	(cm)	
1/2	(1.3)	5/8	(1.6)	1.4
5/8	(1.6)	3/4	(1.9)	2.2
3/4	(1.9)	7/8	(2.2)	3.2
7/8	(2.2)	1	(2.5)	4.3
1	(2.5)	1 1/8	(2.9)	5.6
1 1/8	(2.9)	1 1/4	(3.2)	6.7
1 1/4	(3.2)	1 3/8	(3.5)	8.2
1 3/8	(3.5)	1 1/2	(3.8)	10.0
1 1/2	(3.8)	1 5/8	(4.1)	11.9
1 3/4	(4.4)	2	(5.1)	16.2
2	(5.1)	2 1/4	(5.7)	21.2

(c) Tables G-2 through G-5 ((shall)) must be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables the safe working load recommended by the manufacturer for specific, identifiable products ((shall)) must be followed, however, a safety factor of not less than five ((shall)) must be maintained.

**TABLE G-1  
MANILA ROPE  
In Pounds or Tons of 2,000 Pounds**

((Circumference))	Diameter in Inches	Single Leg	60 Degree	45 Degree	30 Degree
					
		Lbs.	Lbs.	Lbs.	Lbs.
Circumference	Diameter in Inches	Single Leg	60 Degree	45 Degree	30 Degree
					
		Lbs.	Lbs.	Lbs.	Lbs.
3/4	1/4	120	204	170	120
1	5/16	200	346	282	200
1 1/8	3/8	270	467	380	270
1 1/4	7/16	350	605	493	350
1 3/8	15/32	450	775	635	450
1 1/2	1/2	530	915	798	530
1 3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2 1/4	3/4	1080	1870	1520	1080
2 1/2	13/16	1300	2250	1830	1300
2 3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
		Tons	Tons	Tons	Tons

((Circumference))	Diameter in Inches	Single Leg	60 Degree	45 Degree	30 Degree
					
		Lbs.	Lbs.	Lbs.	Lbs.
Circumference	Diameter in Inches	Single Leg	60 Degree	45 Degree	30 Degree
					
		Lbs.	Lbs.	Lbs.	Lbs.
3 1/4	1 1/16	1.0	1.7	1.4	1.0
3 1/2	1 1/8	1.2	2.1	1.7	1.2
3 3/4	1 1/4	1.35	2.3	1.9	1.35
4	1 5/16	1.5	2.6	2.1	1.5
4 1/2	1 1/2	1.8	3.1	2.5	1.8
5	1 5/8	2.25	3.9	3.2	2.25
5 1/2	1 3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6 1/2	2 1/8	3.6	6.2	5.1	3.6

**TABLE G-2  
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE AND WIRE SLINGS  
(In Tons of 2,000 Pounds)**

Rope Diameter Inches	Single Leg					
	Vertical			Choker		
	A	B	C	A	B	C
6 x 19 Classification						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
<del>(1 1/8")</del> 1 1/8"	11	10	9.0	8.5	7.8	6.8
6 x 37 Classification						
<del>(1 1/4")</del> 1 1/4"	13	12	10	9.9	9.2	7.9
<del>(1 3/8")</del> 1 3/8"	16	15	13	12	11	9.6
<del>(1 1/2")</del> 1 1/2"	19	17	15	14	13	11
<del>(1 3/4")</del> 1 3/4"	26	24	20	19	18	15
2"	33	30	26	25	23	20
<del>(2 1/4")</del> 2 1/4"	41	38	33	31	29	25



Rope Diameter Inches	Single Leg					
	Vertical			Choker		
	A	B	C	A	B	C

(A) — Socket or Swaged Terminal Attachment.  
 (B) — Mechanical Sleeve Attachment.  
 (C) — Hand Tucked Splice Attachment.

TABLE G-3  
 RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE SLING (IN TONS OF 2,000 POUNDS)

((Two leg bridle or basket hitch												
Rope dia. inches	Vertical			60 Degree			45 Degree			30 Degree		
Two-leg bridle or basket hitch												
Rope dia. inches	Vertical			60 Degree			45 Degree			30 Degree		
	A	B	C	A	B	C	A	B	C	A	B	C
<b>6 x 19 Classification</b>												
1/4"	1.2	1.1	1.0	1.0	.97	.92	.83	.79	.75	.59	.56	.53
3/8"	2.6	2.5	2.3	2.3	2.1	2.0	1.8	1.8	1.6	1.3	1.2	1.1
1/2"	4.6	4.4	3.9	4.0	3.8	3.4	3.2	3.1	2.8	2.3	2.2	2.0
5/8"	7.2	6.8	6.0	6.2	5.9	5.2	5.1	4.8	4.2	3.6	3.4	3.0
3/4"	10	9.7	8.4	8.9	8.4	7.3	7.2	6.9	5.9	5.1	4.9	4.2
7/8"	14	13	11	12	11	9.6	9.8	9.3	7.8	6.9	6.6	5.5
1"	18	17	14	15	15	12	13	12	10	9.0	8.5	7.2
1 1/8"	23	21	18	19	18	16	16	15	13	11	10	9.0
<b>6 x 37 Classification</b>												
1 1/4"	26	24	21	23	21	18	19	17	15	13	12	10
1 3/8"	32	29	25	28	25	22	22	21	18	16	15	13
1 1/2"	38	35	30	33	30	26	27	25	21	19	17	15
1 3/4"	51	47	41	44	41	35	36	33	29	26	24	20
2"	66	61	53	57	53	46	47	43	37	33	30	26
2 1/4"	83	76	66	72	66	57	58	54	47	41	38	33

(A) Socket or Swaged Terminal Attachment.  
 (B) Mechanical Sleeve Attachment.  
 (C) Hand Tucked Splice Attachment.

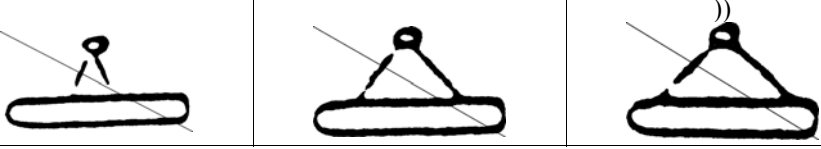
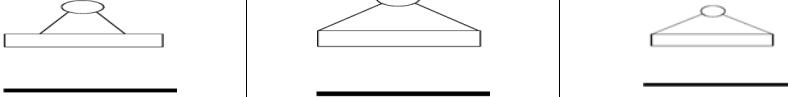
**TABLE G-4**  
**RATED CAPACITIES FOR IMPROVED FLOW STEEL, FIBER CORE, WIRE ROPE AND WIRE ROPE SLINGS**  
 (In Tons of 2,000 pounds)

Rope dia. Inches	Single leg					
	Vertical			Choker		
	A	B	C	A	B	C
<b>6 x 19 Classification</b>						
1/4"	.55	.51	.49	.41	.38	.37
3/8"	1.2	1.1	1.1	.91	.85	.80
1/2"	2.1	2.0	1.8	1.6	1.5	1.4
5/8"	3.3	3.1	2.8	2.5	2.3	2.1
3/4"	4.8	4.4	3.9	3.6	3.3	2.9
7/8"	6.4	5.9	5.1	4.8	4.5	3.9
1"	8.4	7.7	6.7	6.3	5.8	5.0
((1-1/8))	10	9.5	8.4	7.9	7.1	6.3
1 1/8"						

Rope dia. Inches	Single leg					
	Vertical			Choker		
	A	B	C	A	B	C
<b>6 x 37 Classification</b>						
(( <del>1-1/4</del> )) 1 1/4"	12	11	9.8	9.2	8.3	7.4
(( <del>1-3/8</del> )) 1 3/8"	15	13	12	11	10	8.9
(( <del>1-1/2</del> )) 1 1/2"	17	16	14	13	12	10
(( <del>1-3/4</del> )) 1 3/4"	24	21	19	18	16	14
2"	31	28	25	23	21	18

(A) — Socket or Swaged Terminal Attachment.  
 (B) — Mechanical Sleeve Attachment.  
 (C) — Hand Tucked Splice Attachment.

**TABLE G-5**  
**RATED CAPACITIES FOR IMPROVED FLOW STEEL, FIBER CORE, WIRE ROPE SLINGS**  
 (IN TONS OF 2,000 POUNDS)

<b>((Two leg bridle or basket hitch</b>												
Rope dia. inches	Vertical			60 Degree			45 Degree			30 Degree		
												
<b>Two-leg bridle or basket hitch</b>												
Rope dia. inches	Vertical			60 Degree			45 Degree			30 Degree		
												
	A	B	C	A	B	C	A	B	C	A	B	C
<b>6 x 19 Classification</b>												
1/4"	1.1	1.0	.99	.95	.88	.85	.77	.72	.70	.55	.51	.49
3/8"	2.4	2.2	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2"	4.3	3.9	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5/8"	6.7	6.2	5.6	5.8	5.3	4.8	4.7	4.4	4.0	3.3	3.1	2.8
3/4"	9.5	8.8	7.8	8.2	7.6	6.8	6.7	6.2	5.5	4.8	4.4	3.9
7/8"	13	12	10	11	10	8.9	9.1	8.4	7.3	6.4	5.9	5.1
1"	17	15	13	14	13	11	12	11	9.4	8.4	7.7	6.7
1 1/2"	21	19	17	18	16	14	15	13	12	10	9.5	8.4
<b>6 x 37 Classification</b>												
1 1/4"	25	22	20	21	19	17	17	16	14	12	11	9.8
1 3/8"	30	27	24	26	23	20	21	19	17	15	13	12

<b>((Two-leg bridle or basket hitch</b>												
<b>Rope dia. inches</b>	<b>Vertical</b>			<b>60 Degree</b>			<b>45 Degree</b>			<b>30 Degree</b>		
<b>Two-leg bridle or basket hitch</b>												
<b>Rope dia. inches</b>	<b>Vertical</b>			<b>60 Degree</b>			<b>45 Degree</b>			<b>30 Degree</b>		
	A	B	C	A	B	C	A	B	C	A	B	C
1 1/2"	35	32	28	30	27	24	25	22	20	17	16	14
1 3/4"	48	43	38	41	37	33	34	30	27	24	21	19
2"	62	55	49	53	48	43	43	39	35	31	28	25

(A) Socket or Swaged Terminal Attachment.  
 (B) Mechanical Sleeve Attachment.  
 (C) Hand Tucked Splice Attachment.

**TABLE G-6  
 ALLOY STEEL CHAIN  
 (In Tons of 2,000 Pounds)**

<b>((Nominal Size Chain Stock Inch</b>	<b>Single Leg</b>	<b>60 Degree</b>	<b>45 Degree</b>	<b>30 Degree</b>
<b>Nominal Size Chain Stock Inch</b>	<b>Single Leg</b>	<b>60 Degree</b>	<b>45 Degree</b>	<b>30 Degree</b>
1/4	1.62	2.82	2.27	1.62
3/8	3.30	5.70	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.5	27.3	19.8
1 1/8	22.2	38.5	31.5	22.2
1 1/4	28.7	49.7	40.5	28.7
1 3/8	33.5	58.0	47.0	33.5
1 1/2	39.7	68.5	56.0	39.7
1 5/8	42.5	73.5	59.5	42.5
1 3/4	47.0	81.5	62.0	47.0

(11) You must meet the following requirements for hooks other than hand hooks(-):

(a) The manufacturer's recommendations ((shall)) must be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All

hooks for which no applicable manufacturer's recommendations are available ((shall)) must be tested to twice the intended safe working load before they are initially put into use. ((The employer shall)) You must maintain a record of the dates and results of such tests.

(b) Loads ((shall)) must be applied to the throat of the hook since loading the point may overstress, bend, or spring the hook.

(c) Hooks ((shall)) must be inspected once a month to see that they have not been bent by overloading. Bent or sprung hooks ((shall)) must not be used.

(d) ((Crane hooks:-)) For crane hooks, magnetic particle or other suitable crack detecting inspection ((shall)) must be performed at least once each year. When testing by X ray, the pertinent provisions of the Nuclear Regulatory Commission's standards for protection against radiation, relating to protection against occupational radiation exposure, ((shall)) must apply.

(e) Any activity which involves the use of radioactive materials or X rays, whether or not under license from the Nuclear Regulatory Commission, ((shall)) must be performed by competent persons specially trained in the proper and safe operation of such equipment. In the case of materials used under commission license, only persons actually licensed, or competent persons under direction and supervision of the licensee, ((shall)) must perform such work.

(f) Teeth of case hooks ((shall)) must not be split, cracked, or deformed.

(g) Jaws of patent clamp type plate hooks ((shall)) must be kept in safe condition so that they will grip plates securely.

(12) You must meet the following requirements for pallets(-):

(a) Pallets ((shall)) must be made and maintained to safely support and carry loads being handled. Fastenings of

reusable pallets used for hoisting ~~((shall))~~ must be bolts and nuts, drive screws (helically threaded nails), annular threaded nails or fastenings of equivalent holding strength.

(b) Damaged pallets ~~((shall))~~ must be stored in designated areas and identified.

(c) Reusable wing or lip-type pallets ~~((shall))~~ must be hoisted by bar bridles or other suitable gear and ~~((shall))~~ must have an overhanging wing or lip of at least three inches (7.62 cm). They ~~((shall))~~ must not be hoisted by wire slings alone.

(d) Loaded pallets that do not meet the requirements of this ~~((paragraph shall))~~ subsection (12)(d) must be hoisted only after being placed on pallets meeting such requirements or ~~((shall))~~ must be handled by other means providing equivalent protection.

(e) Bridles for handling flush end or box-type pallets ~~((shall))~~ must be designed to prevent disengagement from the pallet under load.

(f) Pallets ~~((shall))~~ must be stacked or placed to prevent falling, collapsing or otherwise causing a hazard under standard operating conditions.

(g) Disposable pallets intended only for one use ~~((shall))~~ must not be reused for hoisting.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60075 Cargo boards and other type pallet boards.** (1) ~~("Cargo board" means the typical wing or lip-type stevedore board hoisted to or from vessels by means of a bar bridle. "Other pallet boards" includes all other platforms used to hold cargo for the purpose of transporting it from place to place.~~

~~((2))~~ You must make sure all pallets and cargo boards ~~((shall be))~~ are of such material and construction as to safely support and carry loads being handled.

~~((3))~~ (2) You must make sure all cargo boards ~~((shall be))~~ are sheathed (decked) top and bottom with the top sheathing being of two-inch lumber and extending at least six inches beyond the end stringers.

~~((4))~~ (3) You must fasten the outer sheathing boards or boards adjacent thereto on cargo boards ~~((shall be fastened))~~ to the stringers by bolts and nuts. Other sheathing ~~((shall))~~ must be fastened by bolts and nuts, drive screws (helically threaded nails), annular threaded nails, or fastenings of equivalent strength.

~~((5))~~ (4) You may hoist pallet boards, other than cargo boards, ~~((may be hoisted))~~ if safe means are provided for the type of board used.

~~((6))~~ (5) You must make sure loaded cargo or pallet boards which do not meet the requirements of this section ~~((shall be))~~ are reboarded or placed on cargo boards meeting the requirements of this section before being hoisted, only if the weight of the load can be safely distributed on the cargo board.

~~((7))~~ (6) You must prohibit cargo boards from being hoisted which are not loaded and secured so that the load will not tip or fall ~~((shall not be hoisted))~~.

~~((8))~~ (7) You must make sure bridles used to handle flush-end or box-type pallets ~~((shall be of such a design as))~~

are designed to prevent them from becoming disengaged from the pallet under load.

Note: In areas where a two lip cargo board is being used, that practice shall continue. The department of labor and industries recommends the use of the two lip cargo board.

AMENDATORY SECTION (Amending WSR 09-15-144, filed 7/21/09, effective 9/1/09)

**WAC 296-56-60077 Powered industrial trucks.** (1) ~~((Applicability-))~~ This section applies to every type of powered industrial truck used for material or equipment handling within a marine terminal. ~~((Employers))~~ You must comply with the provisions of chapter 296-863 WAC and this section. It does not apply to over-the-road vehicles.

(2) ~~((General-))~~ You must meet the following general requirements for powered industrial trucks:

(a) Modifications, such as adding counterweights, that might affect the vehicle's capacity or safety ~~((shall))~~ must not be performed without either the manufacturer's prior written approval or the written approval of a professional engineer experienced with the equipment who has consulted with the manufacturer, if available. Capacity, operation and maintenance instruction plates, tags or decals ~~((shall))~~ must be changed to conform to the equipment as modified.

(b) Unauthorized personnel ~~((shall))~~ must not ride on powered industrial trucks. A safe place to ride ~~((shall))~~ must be provided when riding is authorized.

(c) When a powered industrial truck is left unattended, load-engaging means ~~((shall))~~ must be fully lowered, controls neutralized and brakes set. Unless the truck is in view and within twenty-five feet (7.62 m) of the operator, power ~~((shall))~~ must be shut off. Wheels ~~((shall))~~ must be blocked or curbed if the truck is on an incline.

(d) Powered industrial trucks ~~((shall))~~ must not be operated inside highway vehicles or railcars having damage which could affect operational safety.

(e) Powered industrial trucks ~~((shall))~~ must be marked with their rated capacities, which ~~((shall))~~ must be visible to the operator.

(f) Only stable and safely arranged loads within the rated capacity of the truck ~~((shall))~~ must be handled.

(g) Drivers ~~((shall))~~ must ascend and descend grades slowly.

(h) Drivers ~~((shall))~~ must slow down and sound the horn at crossaisles and other locations where visibility is obstructed.

(i) If the load obstructs the forward view drivers ~~((shall))~~ must travel with the load trailing.

(j) Steering knobs ~~((shall))~~ must not be used unless the truck is equipped with power steering.

(k) When powered industrial trucks use cargo lifting devices that have a means of engagement hidden from the operator, a means ~~((shall))~~ must be provided to enable the operator to determine that the cargo has been engaged.

(l) When cargo is being towed on pipe trucks or similar equipment, a safe means ~~((shall))~~ must be provided to protect the driver from sliding loads.

(3) You must meet the following requirements for maintenance(-):

(a) Only designated persons ~~((shall))~~ must perform maintenance and repair.

(b) Batteries on all powered trucks ~~((shall))~~ must be disconnected during repairs to the primary electrical system unless power is necessary for testing and repair. On trucks equipped with systems capable of storing residual energy, that energy ~~((shall))~~ must be safely discharged before work on the primary electrical system begins.

(c) Replacement parts whose function might affect operational safety ~~((shall))~~ must be equivalent in strength and performance capability to the original parts which they replace.

(d) Braking systems or other mechanisms used for braking ~~((shall))~~ must be operable and in safe condition.

(e) Powered industrial trucks ~~((shall))~~ must be maintained in safe working order. Safety devices ~~((shall))~~ must not be removed or made inoperative except as otherwise provided in this section. Trucks with a fuel system leak or any other safety defect ~~((shall))~~ must not be operated.

(f) Those repairs to the fuel and ignition systems of industrial trucks which involve fire hazards ~~((shall))~~ must be conducted only in locations designated as safe for such repairs.

(4) You must meet these requirements for approved trucks(-):

~~(a) ("Approved power-operated industrial truck" means one listed or approved for the intended use by a nationally recognized testing laboratory.~~

~~(b))~~ Approved trucks acquired and used after February 15, 1972, ~~((shall))~~ must bear a label or other identification indicating testing laboratory approval.

~~((e))~~ (b) When the atmosphere in an area is hazardous and the provisions of United States Coast Guard regulations at 33 C.F.R. 126.15(e) do not apply, only power-operated industrial trucks approved for such locations ~~((shall))~~ must be used.

~~((Duties of operator.))~~ You must meet these requirements for operator duties:

(a) A power-driven vehicle operator's special duties are:

(i) To operate the vehicle in a safe manner.

(ii) To test brakes, steering gear, lights, horns, or other warning devices, clutches, etc., before starting work.

(iii) To have the vehicle at all times under control so that it can be brought to an emergency stop in the clear space in front of the vehicle.

(iv) To back down any incline of two percent or more when traveling with a load on the fork lift jitney.

~~((Unobstructed view.))~~ When traveling, power-propelled vehicles ~~((shall))~~ must at all times be operated in a manner giving the operator a reasonably unobstructed view in the direction of travel. Where this is impractical, the operator ~~((shall))~~ must be directed in travel, by a person designated to do so.

~~((Employee riding safety.))~~ Operators and authorized passengers ~~((shall not be))~~ are not permitted to ride with legs or arms extending outside any vehicle nor ~~((shall))~~ are they ~~((be))~~ permitted to ride while standing unless the vehicle is designed to be operated from a standing position.

~~((Moving vehicles.))~~ Vehicles ~~((shall))~~ must be controlled manually while being pushed or towed except when a tow bar is used. Special precautions ~~((shall))~~ must be taken

when pushing vehicles where the view is obstructed. Vehicles ~~((shall))~~ must not be pushed with blades of a forklift.

~~((Moving highway trailers.))~~ In all cargo operations involving the use of highway trailers, trailers ~~((shall))~~ must be moved in such a manner that the moving trailer is completely under control at all times. Special caution ~~((shall))~~ must be exercised when such trailers are moving on inclines. Trailers ~~((shall))~~ must be loaded in a manner which will prevent the cargo from shifting, and the load in the trailer ~~((shall))~~ must be evenly distributed ~~((so as not to cause))~~ to prevent the trailer ~~((to tip))~~ from tipping to one side.

~~((Prohibited forms of riding.))~~ Riding on tongue or handles of trailers or forks of power-propelled vehicles is prohibited.

~~((Regular seats for riders.))~~ No one except the operator shall ride on power-driven vehicles unless regular seats are provided to accommodate passengers.

~~((Jumping on or off moving vehicles.))~~ Employees ~~((shall))~~ must not jump on or off moving vehicles.

~~((Reporting defects.))~~ If a power-driven vehicle is at any time found to be in any way unsafe, the operator ~~((shall))~~ must report ~~((same))~~ the defect immediately to the person in charge and such vehicle ~~((shall))~~ must not be used for production work until it has been made safe.

(6) You must meet the following requirements for vehicle equipment and maintenance(-):

~~((Horns and lights.))~~ All power-propelled vehicles ~~((shall))~~ must be provided with horns or other warning devices.

(b) Power-propelled vehicles used for night work, when required to travel away from an illuminated work area ~~((shall))~~ must be equipped with a light or lights directed in the direction of travel in order to safely travel about the area.

~~((Guards on operator's platform.))~~ Every power truck operated from an end platform or standing position ~~((shall))~~ must be equipped with a substantial guard securely attached to the platform or frame of the vehicle in such a manner as to protect the operator from falling objects and so designed that the operator can easily mount or dismount from the operating station.

~~((Seat cushions.))~~ All vehicles having a driver's seat ~~((shall))~~ must be provided with resilient seat cushions fixed in place.

~~((Securing of counterbalances.))~~ Counterbalances of all power-driven vehicles ~~((shall))~~ must be positively secured to prevent accidental dislodging, but may be a removable type which may be removed, if desired, prior to hoisting the vehicle.

~~((Exhaust pipes and mufflers.))~~ Exhaust pipes and mufflers of internal combustion engines, where workers are exposed to contact shall be isolated or insulated. Exhaust pipes ~~((shall))~~ must be constructed to discharge not less than seventy-two inches above the floor on jitneys and eighty-four inches on forklifts or less than twenty inches from the floor.

~~((Ventilation where internal combustion vehicles are used.))~~ Internal combustion engines may be used only in areas where adequate ventilation is provided.

(h) Concentration levels of carbon monoxide gas created by powered industrial truck operations ~~((shall))~~ must not exceed the levels specified in WAC 296-56-60055.

(i) When disputes arise concerning degree of concentration, methods of sampling to ascertain the conditions should be referred to a qualified industrial hygienist.

(j) ~~((Cargo truck couplings.))~~ Couplings installed on cargo trucks (four-wheelers) ~~((shall))~~ must be of a type which will prevent accidental disengaging.

(k) ~~((Operating levers.))~~ Operating levers on power-driven vehicles ~~((shall))~~ must be so placed as not to project toward the operator's body.

(l) ~~((Front axle assembly.))~~ The front axle assembly on all trailers ~~((shall))~~ must be securely fastened to the truck bed.

(m) ~~((Air line hook-up.))~~ Tractors hauling heavy duty highway trailers ~~((shall))~~ must have an air line brake hook-up.

(n) ~~((Floor mats.))~~ On power-driven vehicles where the operator stands on a platform, resilient foot mats ~~((shall))~~ must be securely attached.

(o) ~~((Cleaning vehicles.))~~ All power-propelled vehicles ~~((shall))~~ must be cleaned at frequent intervals to remove any accumulation of dust and grease that may present a hazard.

(7) You must meet the following requirements for forklift trucks(-):

(a) Overhead guards.

(i) When operators are exposed to overhead falling hazards, forklift trucks ~~((shall))~~ must be equipped with securely attached overhead guards. Guards ~~((shall))~~ must be constructed to protect the operator from falling boxes, cartons, packages, or similar objects.

(ii) Overhead guards ~~((shall))~~ must not obstruct the operator's view, and openings in the top of the guard ~~((shall))~~ must not exceed six inches (15.24 cm) in one of the two directions, width or length. Larger openings are permitted if no opening allows the smallest unit of cargo being handled to fall through the guard.

(iii) Overhead guards ~~((shall))~~ must be built so that failure of the vehicle's mast tilting mechanism will not displace the guard.

(iv) An overhead guard, otherwise required by this paragraph, may be removed only when it would prevent a truck from entering a work space and if the operator is not exposed to low overhead obstructions in the work space.

(v) Overhead guards ~~((shall))~~ must be large enough to extend over the operator during all truck operations, including forward tilt.

(b) ~~((Supplies to ship's rail.))~~ Cargo or supplies ~~((shall))~~ must not be hoisted to or from ship's rail with a forklift. This does not apply to ramp or side port loading.

(c) ~~((Position of forks.))~~ When standing, lift forklift forks ~~((shall))~~ must be lowered to floor. When moving, lift forklift forks ~~((shall))~~ must be kept as low as possible.

(d) ~~((Forklift use in gangplank moving.))~~ Not less than two forklifts ~~((shall))~~ must be used to place or remove gangplanks unless fork width prevents tipping and manufacturer's rated lifting capacity of the forklift is not exceeded.

(e) ~~((Forklift seat covers.))~~ Seats on forklifts ~~((shall))~~ must be provided with a removable waterproof cover when they are exposed to the weather.

(f) ~~((Raised equipment to be blocked.))~~ Workers ~~((shall))~~ must not work below the raised bed of a dump truck, raised buckets of front end loaders, raised blades of tractors or in

similar positions without blocking the equipment in a manner that will prevent it from falling. When working under equipment suspended by use of jacks, safety stands or blocking ~~((shall))~~ must be used in conjunction with the jack.

(g) ~~((Maximum speed.))~~ The maximum speed for forklifts on all docks ~~((shall))~~ must not exceed eight miles per hour. The speed limit ~~((shall))~~ must be prominently posted on such docks.

(h) ~~((Load backrest extensions.))~~ Where necessary to protect the operator, forklift trucks ~~((shall))~~ must be fitted with a vertical load backrest extension to prevent the load from hitting the mast when the mast is positioned at maximum backward tilt. For this purpose, a "load backrest extension" means a device extending vertically from the fork carriage frame to prevent raised loads from falling backward.

(i) ~~((Forks.))~~ Forks, fork extensions and other attachments ~~((shall))~~ must be secured so that they cannot be accidentally dislodged, and ~~((shall))~~ must be used only in accordance with the manufacturer's recommendations.

(j) ~~((Counterweights.))~~ Counterweights ~~((shall))~~ must be so affixed that they cannot be accidentally dislodged.

(k) Capacities and weights(-):

(i) Forklift truck rated capacities, with and without removable counterweights, ~~((shall))~~ must not be exceeded. Rated capacities ~~((shall))~~ must be marked on the vehicle and ~~((shall))~~ be visible to the operator. The vehicle weight, with and without counterweight, ~~((shall))~~ must be similarly marked.

(ii) If loads are lifted by two or more trucks working in unison, the total weight of the load ~~((shall))~~ must not exceed the combined rated lifting capacity of all trucks involved.

(l) ~~((Lifting of employees.))~~ Employees may be elevated by forklift trucks only when a platform is secured to the lifting carriage or forks. The platform ~~((shall))~~ must meet the following requirements:

(i) The platform ~~((shall))~~ must have a railing complying with WAC 296-56-60123(3).

(ii) The platform ~~((shall))~~ must have toeboards complying with WAC 296-56-60123(4), if tools or other objects could fall on employees below.

(iii) When the truck has controls which are elevated with the lifting carriage, means ~~((shall))~~ must be provided for employees on the platform to shut off power to the vehicle.

(iv) Employees on the platform ~~((shall))~~ must be protected from exposure to moving truck parts.

(v) The platform floor ~~((shall))~~ must be skid resistant.

(vi) A truck operator ~~((shall))~~ must be at the truck's controls when employees are elevated unless the truck's controls are elevated with the lifting carriage.

(vii) While employees are elevated, the truck may be moved only to make minor placement adjustments.

(8) You must meet the following requirements for bulk cargo-moving vehicles(-):

(a) Where a seated operator may come into contact with projecting overhead members, crawler-type ~~((bulk cargo-moving))~~ bulk cargo-moving vehicles that are rider operated ~~((shall))~~ must be equipped with operator guards.

(b) Guards and their attachment points ~~((shall))~~ must be so designed as to be able to withstand, without excessive

deflection, a load applied horizontally at the operator's shoulder level equal to the drawbar pull of the machine.

(c) After July 26, 1999, bulk cargo-moving vehicles ~~((shall))~~ must be equipped with rollover protection of such design and construction as to prevent the possibility of the operator being crushed because of a rollover or upset.

(9) You must meet the following requirements for straddle trucks(-):

(a) ~~((Accessibility-))~~ Straddle trucks ~~((shall))~~ must have a permanent means of access to the operator's station, including any handholds necessary for safe ascent and descent.

(b) Guarding(-):

(i) Main sprockets and chains to the wheels ~~((shall))~~ must be guarded as follows:

(A) The upper sprocket ~~((shall))~~ must be fully enclosed;

(B) The upper half of the lower sprocket ~~((shall))~~ must be enclosed; and

(C) The drive chain ~~((shall))~~ must be enclosed to a height of eight feet (2.44 m) except for that portion at the lower half of the lower sprocket.

(ii) Gears ~~((shall))~~ must be fully enclosed and revolving parts which may be contacted by the operator ~~((shall))~~ must be guarded.

(iii) When straddle trucks are used in the vicinity of employees, personnel-deflecting guards ~~((shall))~~ must be provided around leading edges of front and rear wheels.

(c) ~~((Visibility-))~~ Operator visibility ~~((shall))~~ must be provided in all directions of movement.

(10) You must meet the following requirements for trailer-spotting tractors(-):

(a) Trailer-spotting tractors (fifth wheels) ~~((shall))~~ must be fitted with any hand grabs and footing necessary for safe access to the fifth wheel.

(b) Rear cab windows ~~((shall))~~ must be of safety glass or equivalent material.

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

**WAC 296-56-60079 General rules applicable to vehicles.** (1) The requirements of this section apply to general vehicle use within marine terminals except in cases where the provisions of subsections (3) and (13) of this section are preempted by regulations of the department of transportation.

(2) You must allow private vehicle parking in marine terminals ~~((shall be allowed))~~ only in designated areas.

(3) ~~((Trailers shall not be disconnected))~~ You must not disconnect trailers from tractors at loading docks until the road wheels have been immobilized. The road wheels ~~((shall))~~ must be immobilized from the time the brake system is disconnected until braking is again provided. Supplementary front end support ~~((shall))~~ must be employed as necessary to prevent tipping when a trailer is entered by a material handling vehicle. Rear end support ~~((shall))~~ must be employed if rear wheels are so far forward as to allow tipping when the trailer is entered.

(4) ~~((The employer shall))~~ You must direct motor vehicle operators to comply with any posted speed limits, other traffic control signs or signals, and written traffic instructions.

(5) You must post stop signs ~~((shall be posted))~~ at main entrances and exits of structures where visibility is impaired, and at blind intersections, unless direct traffic control, warning mirror systems or other systems of equivalent safety are provided.

(6) You must establish, identify, and use vehicular routes, traffic rules and parking areas ~~((shall be established, identified and used))~~.

(7) You must make sure vehicle drivers ~~((shall))~~ warn anyone in traffic lanes of the vehicle's approach.

(8) You must clearly post signs indicating pedestrian traffic ~~((shall be clearly posted))~~ at vehicular check-in and check-out lines and similar locations where employees may be working.

(9) You must maintain a distance of not less than twenty feet (6.1 m) ~~((shall be maintained))~~ between the first two vehicles in a check-in, check-out, road ability, or vessel loading/discharging line. This distance ~~((shall))~~ must be maintained between any subsequent vehicles behind which employees are required to work.

(10) You must make sure no unattended vehicle shall be left with its engine running unless secured against movement (see WAC 296-56-60077 for powered industrial trucks).

(11) You must provide and secure a ramp when the rear of a vehicle is elevated to facilitate loading or discharging ~~((; a ramp shall be provided and secured))~~. The vehicle ~~((shall))~~ must be secured against accidental movement during loading or discharging.

(12) You must make sure only vehicle floors in safe condition ~~((shall be))~~ are used.

(13) You must make sure when flatbed trucks, platform containers or similar conveyances are loaded or discharged and the cargo consists of pipe or other products which could spread or roll to endanger employees, the cargo ~~((shall be))~~ is contained to prevent movement.

(14) You must maintain vehicles used to transport employees within a terminal ~~((shall be maintained))~~ in safe working order and safety devices ~~((shall))~~ not be removed or made inoperable.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-56-60081 Multipiece and single-piece rim wheels.** You must make sure servicing of multipiece and single-piece rim wheels in marine terminal and other maritime work locations on large vehicles is regulated by requirements of chapter 296-864 WAC, Split (multipiece) rim and single-piece rim wheels.

AMENDATORY SECTION (Amending WSR 01-17-033, filed 8/8/01, effective 9/1/01)

**WAC 296-56-60083 Cranes and derricks.** (1) Scope.

(a) This section through WAC 296-56-60103 applies to every kind of crane and derrick and to any other type of equipment performing the functions of a crane or derrick except as noted in (b) of this subsection.

(b) This section does not apply to small industrial truck-type cranes, container handling toploaders and sideloaders, chain hoists, and mobile straddle-type cranes incapable of

straddling two or more intermodal containers (sixteen feet (4.88 m) in width).

(2) You must meet the following requirements for ratings(-):

(a) Except for bridge cranes covered by subsection (7) of this section, cranes and derricks having ratings that vary with boom length, radius (outreach) or other variables ~~((shall))~~ must have a durable rating chart visible to the operator, covering the complete range of the manufacturer's (or design) capacity ratings. The rating chart ~~((shall))~~ must include all operating radii (outreach) for all permissible boom lengths and jib lengths as applicable, with and without outriggers, and alternate ratings for optional equipment affecting such ratings. Precautions or warnings specified by the owner or manufacturer ~~((shall))~~ must be included.

(b) The manufacturer's (or design) rated loads for the conditions of use ~~((shall))~~ must not be exceeded.

(c) Designated working loads ~~((shall))~~ must not be increased beyond the manufacturer's ratings or original design limitations unless such increase receives the manufacturer's approval. When the manufacturer's services are not available or where the equipment is of foreign manufacture, engineering design analysis ~~((shall))~~ must be performed or approved by a person accredited for certifying the equipment under WAC 296-56-60093. Cranes ~~((shall))~~ must conform with the manufacturer's specifications or any current ANSI standards that apply. Engineering design analysis ~~((shall))~~ must be performed by a registered professional engineer competent in the field of cranes and derricks. Any structural changes necessitated by the change in rating ~~((shall))~~ must be carried out.

(3) ~~((Radius indicator.))~~ You must make sure when the rated load varies with the boom radius, the crane or derrick ~~((shall be))~~ is fitted with a boom angle or radius indicator visible to the operator.

(4) ~~((Prohibited))~~ You must prohibit the following usage(-):

(a) Equipment ~~((shall))~~ must not be used in a manner that exerts sideloading stresses upon the crane or derrick boom.

(b) No crane or derrick having a visible or known defect that affects safe operation ~~((shall))~~ must be used.

(5) You must meet the following requirements for protective devices(-):

(a) When exposed moving parts such as gears, chains and chain sprockets present a hazard to employees during crane and derrick operations, those parts ~~((shall))~~ must be securely guarded.

(b) Crane hooks ~~((shall))~~ must be latched or otherwise secured to prevent accidental load disengagement.

(c) When hoisting personnel in an approved man basket, the hook ~~((shall))~~ must have a positive safety latch to prevent rollouts.

(6) ~~((General.))~~ You must meet the following general requirements:

(a) Operating controls(-):

(i) Crane and derrick operating controls ~~((shall))~~ must be clearly marked, or a chart indicating their function ~~((shall))~~ must be posted at the operator's position.

(ii) All crane controls ~~((shall))~~ must operate in a uniform manner within a given port.

(ii) Overhead bridge and container gantry crane operating control levers ~~((shall))~~ must be self-centering so that they will automatically move to the "off" position when the operator releases the control.

(b) ~~((Booms.))~~ Cranes with elevatable booms and without operable automatic limiting devices ~~((shall))~~ must be provided with boom stops if boom elevation can exceed maximum design angles from the horizontal.

(c) ~~((Foot pedals.))~~ Foot pedals ~~((shall))~~ must have a nonskid surface.

(d) ~~((Access.))~~ Ladders, stairways, stanchions, grab irons, foot steps or equivalent means ~~((shall))~~ must be provided as necessary to ensure safe access to footwalks, cab platforms, the cab and any portion of the superstructure which employees must reach.

(i) Footwalks ~~((shall))~~ must be of rigid construction ~~((and shall be))~~ and capable of supporting a load of one hundred pounds (4.79 kPa) per square foot.

(ii) If more than twenty feet (6.1 m) in height, vertical ladders ~~((shall))~~ must comply with WAC 296-56-60209 (4), (5)(a), (5)(b)(iii) and (5)(b)(iv).

(iii) Stairways on cranes ~~((shall))~~ must be equipped with rigid handrails meeting the requirements of WAC 296-56-60123 (5)(a).

(iv) If the top of a ladder or stairway or any position thereof is located where a moving part of a crane, such as a revolving house, could strike an employee ascending or descending the ladder or stairway, a prominent warning sign ~~((shall))~~ must be posted at the foot of the ladder or stairway. A system of communication (such as a buzzer or bell) ~~((shall))~~ must be established and maintained between the foot of the ladder or stairway and the operator's cab.

(e) ~~((Operator's station.))~~ The cab, controls, and mechanism of the equipment ~~((shall))~~ must be so arranged that the operator has a clear view of the load or signal person, when one is used. Cab glass, when used, ~~((shall))~~ must be safety plate glass or equivalent and good visibility ~~((shall))~~ must be maintained through the glass. Clothing, tools and equipment ~~((shall))~~ must be stored so as not to interfere with access, operation, or the operator's view.

(f) A seat (lap) belt, meeting the requirements of 49 C.F.R. 571.208-210 for a Type 1 seat belt assembly, ~~((shall))~~ must be installed on the operator's seat of high speed container gantry cranes where the seat trolleys.

(g) ~~((Counterweights or ballast.))~~ Cranes ~~((shall))~~ must be operated only with the specified type and amount of ballast or counterweights. Ballast or counterweight ~~((shall))~~ must be located and secured only as provided in the manufacturer's or design specifications, which ~~((shall))~~ must be available.

(h) ~~((Outriggers.))~~ Outriggers ~~((shall))~~ must be used according to the manufacturer's specifications or design data, which ~~((shall))~~ must be available. Floats, when used, ~~((shall))~~ must be securely attached to the outriggers. Wood blocks or other support ~~((shall))~~ must be of sufficient size to support the outrigger, free of defects that may affect safety and of sufficient width and length to prevent the crane from shifting or toppling under load.



(i) ~~(Exhaust gases-)~~ Engine exhaust gases ~~((shall))~~ must be discharged away from the normal position of crane operating personnel.

(j) Electrical equipment ~~((shall))~~ must be so located or enclosed that live parts will not be exposed to accidental contact. Designated persons may work on energized equipment only if necessary during inspection, maintenance, or repair.

(k) Fire extinguisher(-):

(i) At least one portable fire extinguisher of at least 5-BC rating or equivalent ~~((shall))~~ must be accessible in the cab of the crane or derrick.

(ii) No portable fire extinguisher using carbon tetrachloride or chlorobromomethane extinguishing agents ~~((shall))~~ must be used.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(l) ~~(Rope on drums-)~~ At least three full turns of rope ~~((shall))~~ must remain on ungrooved drums, and two turns on grooved drums, under all operating conditions. Wire rope ~~((shall))~~ must be secured to drums by clamps, U-bolts, shackles, or equivalent means. Fiber rope fastenings are prohibited.

(m) ~~(Assembly or disassembly of boom sections-)~~ Mobile crane booms being assembled or disassembled on the ground with or without the support of the boom harness ~~((shall))~~ must be blocked to prevent dropping of the boom or boom sections.

(n) Brakes(-):

(i) Each independent hoisting unit of a crane ~~((shall))~~ must be equipped with at least one holding brake, applied directly to the motor shaft or gear train.

(ii) Each independent hoisting unit of a crane, except worm geared hoists, the angle of whose worm is such as to prevent the load from accelerating in the lowering direction, ~~((shall))~~ must, in addition to a holding brake, be equipped with a controlled braking means to control lowering speeds.

(iii) Holding brakes for hoist units ~~((shall))~~ must have not less than the following percentage of the rated load hoisting torque at the point where the brake is applied:

(A) One hundred twenty-five percent when used with a controlled braking means.

(B) One hundred percent when used with a mechanically controlled braking means.

(C) One hundred percent when two holding brakes are provided.

(iv) All power control braking means ~~((shall))~~ must be capable of maintaining safe lowering speeds of rated loads.

(o) Each crane or derrick ~~((shall))~~ must be equipped with sufficient lights to maintain five foot candles in the working area around the load hook. All crane ladders and machinery houses ~~((shall))~~ must be illuminated at a minimum of two candle power.

(p) Light fixtures connected to the boom, gantry legs, or machinery house ~~((shall))~~ must be provided with safety devices which will prevent the light fixture from falling in case of bracket failure.

(q) Electronic devices may be installed to prevent collision subject to approval of the accredited certification agency.

(r) On all rail gantry cranes, truck guards ~~((shall))~~ must extend on the ends of the trucks, close to the top of the rail to

prevent worker's feet from being caught between the rail and wheel. This subsection does not apply if rail sweeps are present.

(s) All hydraulic cylinders used to control crane booms or to provide crane stability (outriggers) ~~((shall))~~ must be equipped with a pilot operated check valve or a device which will prevent the boom or outrigger from retracting in case of failure of a component of the hydraulic system.

(t) Gantry cranes ~~((shall))~~ must be provided with automatic rail clamps or other devices to prevent the crane from moving when not being used or when power is off.

(7) You must meet the following requirements for rail-mounted cranes (excluding locomotive types)(-):

(a) For the purposes of this section, rail-mounted cranes include bridge cranes and portal cranes.

(b) ~~(Rated load marking-)~~ The rated loads of bridge cranes ~~((shall))~~ must be plainly marked on each side of the crane and in the cab. If there is more than one hoisting unit, each hoist ~~((shall))~~ must have its rated load marked on it or on its load block. Marking ~~((shall))~~ must be legible from the ground level.

(c) Wind-indicating devices(-):

(i) Each rail-mounted bridge and portal crane located outside of an enclosed structure ~~((shall))~~ must be fitted with an operable wind-indicating device.

(ii) The wind indicating device ~~((shall))~~ must provide a visible or audible warning to alert the operator of high wind conditions. That warning ~~((shall))~~ must be transmitted whenever the following circumstances are present:

(A) When wind velocity reaches the warning speed, not exceeding the crane manufacturer's recommendations; and

(B) When wind velocity reaches the shutdown speed, not exceeding the crane manufacturer's recommendations, at which work is to be stopped and the crane secured.

(iii) ~~(Instructions-The employer shall)~~ You must post operating instructions for high wind conditions in the operator's cab of each crane. Operators ~~((shall))~~ must be directed to comply with these instructions. The instructions ~~((shall))~~ must include procedures for responding to high wind alerts and for any coordination necessary with other cranes.

(d) Securing of cranes in high winds.

(i) When the wind reaches the crane's warning speed:

(A) Gantry travel ~~((shall))~~ must be stopped; and

(B) The crane ~~((shall))~~ must be readied for shutdown.

(ii) When the wind reaches the crane's shutdown speed:

(A) Any portion of the crane spanning or partially spanning a vessel ~~((shall))~~ must be moved clear of the vessel if safe to do so; and

(B) The crane ~~((shall))~~ must be secured against travel, using all available means of securing.

(e) ~~(The employer shall)~~ You must monitor local weather conditions by subscribing to a weather service or using equally effective means.

(f) The following applies for stops and bumpers(-):

(i) The ends of all tracks ~~((shall))~~ must be equipped with stops or bumpers. If a stop engages the tread of the wheel, it ~~((shall))~~ must be of a height not less than the radius of the wheel.

(ii) When more than one crane operates on the same runway or more than one trolley on the same bridge, each crane

or trolley ~~((shall))~~ must be equipped with bumpers or equivalent devices at adjacent ends subject to impact.

(g) Employee exposure to crane movement. When employees may be in the vicinity of the tracks, crane trucks ~~((shall))~~ must be equipped with personnel-deflecting guards.

(h) ~~((Pedestrian clearance.))~~ If the track area is used for employee passage or for work, a minimum clearance of three feet (0.91 m) ~~((shall))~~ must be provided between trucks or the structures of rail-mounted cranes and any other structure or obstruction. When the required clearance is not available on at least one side of the crane's trucks, the area ~~((shall))~~ must not be used and ~~((shall))~~ must be marked and identified.

(i) ~~((Warning devices.))~~ Rail-mounted cranes ~~((shall))~~ must be equipped with an effective audible and visible travel warning device which ~~((shall))~~ must be used to warn employees who may be in the path of the moving crane.

(j) The following are requirements for communications(-):

(i) Means of communication ~~((shall))~~ must be provided between the operator's cab and the base of the gantry of all rail-mounted cranes. This requirement may be met by telephone, radio, sound-signaling system or other effective methods, but not solely by hand-signaling.

(ii) All rail-mounted cranes thirty ton and above capacity ~~((shall))~~ must be equipped with a voice hailing device (PA system) from the operator to the ground, audible within one hundred feet.

(k) Limit switch bypass systems ~~((shall))~~ must be secured during all cargo operations. Such bypass systems ~~((shall))~~ must not be used except in an emergency or during noncargo handling operations such as stowing cranes or derricks or performing repairs. When a situation requiring the use of a bypass system or the readjustment of a limit switch arises, it ~~((shall))~~ must be done only under the direction of a crane mechanic.

(l) Cranes and crane operations—Scope and application. The sections of this chapter, WAC 296-56-60083 through 296-56-60099, apply to cranes, derricks, and crane operations.

(m) ~~((Signal persons.))~~ A signal person ~~((shall))~~ must be required when a crane operator's visibility is obstructed. When a signal person is required to transmit hand signals, they ~~((shall))~~ must be in such a position that the operator can plainly see the signals.

(n) ~~((Signals.))~~ All operators and signal persons ~~((shall))~~ must use standard signals as illustrated for longshore crane operations. (See Appendices C and D, at the end of this chapter.)

(o) ~~((Signal person for power units.))~~ Where power units, such as cranes and winches are utilized and signaling is required, the operator ~~((shall))~~ must be instructed as to who is authorized to give signals. The operator ~~((shall))~~ must take signals only from such authorized person. In case of emergency, any worker ~~((shall))~~ must be authorized to give a stop signal.

(i) No draft ~~((shall))~~ must be hoisted unless the winch or crane operator can clearly see the draft itself or see the signals of any signal person associated with the operation.

(ii) Loads requiring continuous manual guidance while in motion ~~((shall))~~ must be provided with tag lines.

(p) ~~((Landing loads.))~~ Persons assisting in landing a load ~~((shall))~~ must face the load and use caution to prevent themselves from getting in a position where they may be caught between the load and a fixed object.

(8) ~~((Stabilizing of locomotive cranes. Loads may be hoisted.))~~ You may hoist loads by locomotive cranes only if outriggers are in place, unless means are taken to prevent the load being carried by the truck springs of the crane.

(9) You must meet the following requirements for operations(-):

(a) ~~((Use of cranes together.))~~ When two or more cranes hoist a load in unison, a designated person ~~((shall))~~ must direct the operation and instruct personnel in positioning, rigging of the load and movements to be made.

(b) ~~((Guarding of swing radius.))~~ Accessible areas within the swing radius of the body of a revolving crane ~~((shall))~~ must be physically guarded during operations to prevent an employee from being caught between the body of the crane and any fixed structure or between parts of the crane.

(c) ~~((Securing mobile crane components in transit.))~~ The crane's superstructure and boom ~~((shall))~~ must be secured against rotation and carried in line with the direction of travel except when negotiating turns with an operator in the cab or when the boom is supported on a dolly. The empty hook or other attachment ~~((shall))~~ must be secured.

(d) ~~((Unattended cranes.))~~ The following steps ~~((shall))~~ must be taken before leaving a crane unattended between work periods:

(i) Suspended loads, such as those hoisted by lifting magnets or clamshell buckets, ~~((shall))~~ must be landed unless the storage position or maximum hoisting of the suspended device will provide equivalent safety;

(ii) Clutches ~~((shall))~~ must be disengaged;

(iii) The power supply ~~((shall))~~ must be shut off;

(iv) The crane ~~((shall))~~ must be secured against accidental travel; and

(v) The boom ~~((shall))~~ must be lowered or secured against movement.

(e) Operating near electric power lines(-):

(i) ~~((Clearance.))~~ Unless electrical distribution and transmission lines are deenergized and visibly grounded at point of work, or unless insulating barriers not a part of or an attachment to the crane have been erected to prevent physical contact with lines, cranes may be operated near power lines only in accordance with the following:

(A) For lines rated 50 kV or below, minimum clearance between the lines and any part of the crane or load ~~((shall))~~ must be ten feet (3.05 m);

(B) For lines rated over 50 kV, minimum clearance between the lines and any part of the crane or load ~~((shall))~~ must be either 10 feet (3.05 m) plus 0.4 inch (10.16 mm) for each 1 kV over 50 kV, or twice the length of the line insulator, but never less than ten feet; and

(C) In transit with no load and boom lowered, the clearance ~~((shall))~~ must be a minimum of four feet (1.22 m).

(ii) ~~((Boom guards.))~~ Cage-type boom guards, insulating links or proximity warning devices may be used on cranes, but they ~~((shall))~~ must not be used in place of the clearances required by subsection (9)(e)(i) of this section.

(iii) ~~((Determination of energized lines.))~~ Any overhead line ~~((shall))~~ must be presumed to be energized until the owner of the line indicates that it is not energized.

(10) You must meet the following requirements for protection for employees being hoisted~~((:))~~:

(a) ~~((No employee shall be))~~ You must make sure no employee is hoisted by the load hoisting apparatus of a crane or derrick except:

(i) On intermodal container spreaders, equipped in accordance with this subsection; or

(ii) In a boatswain's chair or other device rigged to prevent it from accidental disengagement from the hook or supporting member; or

(iii) On a platform meeting the following requirements:

(A) Enclosed by a railing or other means providing protection equivalent to that described in WAC 296-56-60123(3). If equipped with open railings, the platform ~~((shall))~~ must be fitted with toe boards;

(B) Having a safety factor of four based on ultimate strength;

(C) Bearing a plate or permanent marking indicating maximum load rating, which ~~((shall))~~ must not be exceeded, and the weight of the platform itself;

(D) Equipped with a device to prevent access doors, when used, from opening accidentally;

(E) Equipped with overhead protection for employees on the platform if they are exposed to falling objects or overhead hazards;

(F) Secured to the load line by means other than wedge and socket attachments, unless the free (bitter) end of the line is secured back to itself by a clamp placed as close above the wedge as possible.

(b) Except in an emergency, the hoisting mechanism of all overhead and container gantry cranes used to hoist personnel ~~((shall))~~ must operate in power up and power down, with automatic brake application when not hoisting or lowering.

(c) Variable radius booms of a crane or derrick used to hoist personnel ~~((shall))~~ must be so constructed or secured as to prevent accidental boom movement.

(d) Platforms or devices used to hoist employees ~~((shall))~~ must be inspected for defects before each day's use and ~~((shall))~~ must be removed from service if defective.

(e) Employees being hoisted ~~((shall))~~ must remain in continuous sight of and communication with the operator or signal person.

(f) Operators ~~((shall))~~ must remain at the controls when employees are hoisted.

(g) Cranes ~~((shall))~~ must not travel while employees are hoisted, except in emergency or in normal tier to tier transfer of employees during container operations.

(h) When intermodal container spreaders are used to transfer employees to or from the tops of containers, the spreaders ~~((shall))~~ must be equipped with a personnel platform equipped with fixed railings, provided that the railings have one or more openings for access. The openings ~~((shall))~~ must be fitted with a means of closure, such as chains with hooks. Existing railings ~~((shall))~~ must be at least thirty-six inches (0.91 m) in height. New railings installed after October 3, 1983 ~~((shall))~~ must be forty-two inches (1.07 m), plus or minus three inches (7.62 cm), in height. The provisions of

(a)(iii)(C), (D), and (F) of this subsection also apply to personnel platforms when container spreaders are used.

(i) Positive safety latch-type hooks or moused hooks ~~((shall))~~ must be used.

(j) Employees ~~((shall))~~ must not be hoisted on intermodal container spreaders while a load is engaged. Additional requirements are located in WAC 296-24-23533.

(11) You must meet the following requirements for routine ~~((inspection.))~~ inspections:

(a) Designated persons ~~((shall))~~ must visually inspect each crane and derrick on each day of use for defects in functional operating components and ~~((shall))~~ must report any defect found to the employer. ~~((The employer shall))~~ You must inform the operator of the findings.

(b) A designated person ~~((shall))~~ must thoroughly inspect all functional components and accessible structural features of each crane or device at monthly intervals.

(c) Any defects found during such inspections which may create a safety hazard ~~((shall))~~ must be corrected before further use. Repairs ~~((shall))~~ must be performed only by designated persons.

(d) A record of monthly inspections ~~((shall))~~ must be maintained for six months in or on the crane or derrick or at the terminal.

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

**WAC 296-56-60085 Crane load and limit devices.** (1) You must fit every crane with a load indicating device or alternative device in proper working condition, except as provided in subsection (8) of this section~~((, every crane shall be fitted with a load indicating device or alternative device in proper working condition))~~. The type or model or any load indicating or alternate device which is used shall provide:

(a) A direct indication in the cab of actual weight hoisted or a means of determining this by referencing a weight indication to crane ratings posted and visible to the operator. The use of a dynamometer or simple scale alone ~~((shall))~~ must not meet this requirement; or

(b) Indications in the cab according to the radius and load at the moment; or

(c) A direct means to prevent an overload from occurring.

(2) You must make sure the accuracy of the devices required by this section ~~((shall))~~ must be such that any indicated load (or limit), including the sum of actual weight hoisted and additional equipment or "add ons" such as slings, sensors, blocks, etc., is within the range from no less than ninety-five percent of the actual true total load (five percent overload) to one hundred ten percent of the actual true total load (ten percent underload). Such accuracy ~~((shall))~~ must be required over the range of the daily operating variables to be expected under the conditions of use.

(3) ~~((The device shall))~~ You must make sure the device permits the operator to determine, before making any lift, that the indicating or substitute system is operative. In the alternative, if a device is so mounted or attached to preclude such a determination, it may not be used unless it has been certified by the manufacturer to remain operable within the limits

stated in subsection (2) of this section for a specific period of use. Checks for accuracy, using known values of load, ~~((shall))~~ must be performed at the time of every certification survey (see WAC 296-56-60093) and at such additional times as may be recommended by the manufacturer.

(4) You must make sure when a load indicating device or alternative system is so arranged in the supporting system (crane structure) that its failure could cause the load to be dropped, its strength ~~((shall))~~ must not be the limiting factor of the supporting system (crane structure).

(5) ~~((Marking shall be))~~ You must make sure marking is conspicuously placed giving: Units of measure in pounds or both pounds and kilograms, capacity of the indicating system, accuracy of the indicating system, and operating instructions and precautions. In the case of systems utilizing indications other than actual weights, the marking ~~((shall))~~ must include data on: The means of measurement, capacity of the system, accuracy of the system, operating instructions and precautions. If the system used provides no read-out, but it is such as to automatically cease crane operation when the rated load limit under any specific condition of use is reached, marking ~~((shall))~~ must be provided giving the make and model of the device installed, a description of what it does, how it is operated, and any necessary precautions regarding the system. All weight indications, other types of loading indications, and other data required ~~((shall))~~ must be readily visible to the operator.

(6) You must make sure all load indicating devices ~~((shall be))~~ are operative over the full operating radius. Overall accuracy ~~((shall))~~ must be based on actual applied load and not on full scale (full capacity) load.

Explanatory note((-): For example, if accuracy of the load indicating device is based on full scale load and the device is arbitrarily set at plus or minus ten percent, it would accept a reading between ninety thousand and one hundred ten thousand pounds, at full capacity of a machine with one hundred thousand pounds, maximum rating, but would also allow a reading between zero and twenty thousand pounds, at that outreach (radius) at which the rating would be ten thousand pounds capacity—an unacceptable figure. If, however, accuracy is based on actual applied load under the same conditions, the acceptable range would remain the same with the one hundred thousand pound load but becomes a figure between nine thousand and eleven thousand pounds, a much different and acceptable condition, at the ten thousand pound load.

(7) You must make sure when the device uses the radius as a factor in its use or in its operating indications, the indicated radius (which may be in feet and/or meters, or degrees of boom angle, depending on the system used) ~~((shall be))~~ is a figure which is within the range of a figure no greater than one hundred ten percent of the actual radius to a figure which is no less than ninety-seven percent of the actual (true) radius. A conversion chart ~~((shall))~~ must be provided whenever it is necessary to convert between degrees of radius and feet or meters.

(8) The load indicating device requirements of this section do not apply to a crane:

(a) Of trolley equipped bridge type while handling container known to be and identified as empty, or loaded, and in

either case in compliance with the provisions of WAC 296-56-60103, or while hoisting other lifts by means of a lifting beam supplied by the crane manufacturer for the purpose, and in all cases within the crane rating;

(b) While handling bulk commodities or cargoes by means of clamshell bucket or magnet;

(c) While used to handle or hold hoses in connection with transfer of bulk liquids or other hose handled products; or

(d) While the crane is used exclusively to handle cargo or equipment the total actual gross weight of which is known by means of marking of the unit or units hoisted, when such total actual gross weight never exceeds eleven thousand two hundred pounds, and when eleven thousand two hundred pounds, is less than the rated capacity of the crane at the maximum outreach that is possible under the conditions of use at the time.

(9) You must install limit switches ~~((shall be installed))~~ on the main line and whip line assemblies, of all cranes and derricks, which will deactivate the hoisting power when a load reaches the upper limits of travel and at such other places as required by this chapter. Line limit switches ~~((shall))~~ must be tested prior to or at the beginning of each shift to determine if they are functioning properly. Any malfunction ~~((shall))~~ must be reported to the person in charge immediately and ~~((shall))~~ must be repaired prior to use.

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

**WAC 296-56-60087 Winches.** (1) You must guard moving winch parts which present hazards to employees ~~((shall be guarded))~~.

(2) You must make sure winches ~~((shall))~~ have clearly identifiable and readily accessible stop controls.

(3) You must secure portable winches ~~((shall be secured))~~ against accidental shifting while in use.

(4) You must fit portable winches ~~((shall be fitted))~~ with limit switches if employees have access to areas from which it is possible to be drawn into the winch.

(5) The provisions of WAC 296-56-60083 (6)(l) apply to winches.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60089 Conveyors.** (1) ~~((Guards.))~~ You must meet the following requirements for guards:

(a) Danger zones at or adjacent to conveyors ~~((shall))~~ must be guarded to protect employees.

(b) An elevated walkway with guardrail or equivalent means of protection ~~((shall))~~ must be provided where employees cross over moving conveyors. Suitable guarding ~~((shall))~~ must be provided when employees pass under moving conveyors.

(2) ~~((Moving parts.))~~ You must secure conveyor rollers and wheels ~~((shall be secured))~~ in position.

(3) ~~((Positioning.))~~ You must firmly place and secure gravity conveyor sections ~~((shall be firmly placed and secured))~~ to prevent them from falling.

(4) You must meet the following requirements for braking(-):

(a) When necessary for safe operation, provisions ~~((shall))~~ must be made for braking objects at the delivery end of the conveyor.

(b) Conveyors using electrically released brakes ~~((shall))~~ must be constructed so that the brakes cannot be released until power is applied, and the brakes are automatically engaged if the power fails or the operating control is returned to the "stop" position.

(5) ~~((Stability-))~~ You must make sure portable conveyors ~~((shall be))~~ are stable within their operating ranges. When used at variable fixed levels, the unit ~~((shall))~~ must be secured at the operating level.

(6) ~~((Emergency stop devices-))~~ You must provide readily accessible stop controls ~~((shall be provided))~~ for use in an emergency whenever employees are required to walk or work in the vicinity of the conveyor. The emergency stop device ~~((shall))~~ must be available within easy reach from any position on or adjacent to the conveyor.

(7) ~~((Starting powered conveyors-))~~ You must not start powered conveyors ~~((shall not be started))~~ until all employees are clear of the conveyor or have been warned that the conveyor is about to start.

(8) ~~((Loading and unloading-))~~ You must keep the area around conveyor loading and unloading points ~~((shall be kept))~~ clear of obstructions during conveyor operations.

(9) You must meet the following requirements for lock-out/tagout(-):

(a) Conveyors ~~((shall))~~ must be stopped and their power sources locked out and tagged out during maintenance, repair, and servicing, unless power is necessary for testing.

(b) The starting device ~~((shall))~~ must be locked out and tagged out in the stop position before an attempt is made to remove the cause of a jam or overload of the conveying medium, unless it is necessary to have the power on to remove the jam.

(10) You must meet the requirements for chutes, gravity conveyors and rollers(-):

(a) Chutes used in the manual handling of cargo ~~((shall))~~ must be adequate for the use to which they are put and ~~((shall))~~ must be kept free of splinters and sharp edges.

(b) Chutes ~~((shall))~~ must be equipped with sideboards of sufficient height to prevent cargo from falling off.

(c) Chutes and gravity roller sections ~~((shall))~~ must be firmly placed or secured to prevent displacement.

(d) Gravity rollers ~~((shall))~~ must be of sufficient strength for the weight of material which is placed upon them. Rollers ~~((shall))~~ must be locked in position to prevent them from falling or jumping out of the frame.

(e) Frames ~~((shall))~~ must be kept free of burrs and sharp edges.

(f) When necessary, provision ~~((shall))~~ must be made for braking objects at the delivery end of the roller or chute.

(11) You must meet the following requirements for safe practices(-):

(a) Only designated persons ~~((shall))~~ must operate, repair or service powered conveyors.

(b) ~~((The employer shall))~~ You must direct employees to stay off operating conveyors.

(c) Conveyors ~~((shall))~~ must be operated only with all overload devices, guards and safety devices in place and functional.

AMENDATORY SECTION (Amending WSR 92-22-067, filed 10/30/92, effective 12/8/92)

**WAC 296-56-60091 Spouts, chutes, hoppers, bins, and associated equipment.** (1) You must inspect standing and running rigging and associated gear used as a permanent part of spouts, chutes or similar devices ~~((shall be inspected))~~ before each use and ~~((shall))~~ must not be used if it has any functional defects. (See WAC 296-56-60093 for certification requirements.)

(2) You must provide direct communication ~~((shall be provided))~~ between the discharge or shipboard control end of loading spouts or chutes, and the point in the terminal from which the flow of cargo is controlled.

(3) You must guard chute and hopper openings which present a hazard ~~((shall be guarded))~~ to prevent employees from falling through.

(4) You must equip the hopper with a safe walkway and safe means of access when employees are working on hoppers ~~((the hopper shall be equipped with a safe walkway and safe means of access))~~.

(5) You must equip chutes with sideboards to afford protection from falling objects when necessary for the safety of employees ~~((chutes shall be equipped with sideboards to afford protection from falling objects))~~.

(6) ~~((Chutes shall be firmly placed and secured))~~ You must firmly place and secure chutes to prevent them from falling.

(7) You must make provisions for braking objects other than bulk commodities at the delivery end of the chute when necessary for the safety of employees ~~((provisions shall be made for braking objects other than bulk commodities at the delivery end of the chute))~~.

(8) You must make sure that before an employee enters an empty bin:

(a) Personnel controlling the flow of cargo into the bin ~~((shall))~~ must be notified of the entry; and

(b) The power supply to the equipment carrying the cargo to the bin ~~((shall))~~ must be turned off, locked out and tagged.

(9) You must ensure that before an employee enters a bin containing a bulk commodity such as coal or sugar ~~((the employer shall ensure))~~ that:

(a) Personnel controlling the flow of cargo into the bin ~~((shall))~~ must be notified of the entry;

(b) The power supply to the equipment carrying the cargo to the bin ~~((shall))~~ must be turned off, locked out and tagged;

(c) The employee entering the bin ~~((shall))~~ must wear a life-line and safety harness; and

(d) A standby attendant equipped to perform a rescue ~~((shall))~~ must be continuously stationed outside the bin until the employee has left the bin.

(10) You must cover bin top openings that present a hazard to employees ~~((shall be covered))~~ to prevent employees from falling into bins.

(11) You must make sure chutes and hoppers ~~((shall be repaired))~~ are only repaired by designated persons.

(12)~~((a))~~ You must have a designated person inspect the equipment that is to be used before power shoveling operations begin~~((, a designated person shall inspect the equipment to be used))~~. The inspection ~~((shall))~~ must include at least the eye bolts, wires, and sheaves.

~~((b))~~ (a) Power shovels and associated equipment with defects affecting safe operation ~~((shall))~~ must not be used.

~~((c))~~ (b) Before adjustments are made to a power shovel, wire, or associated equipment, the power supply to the shovel ~~((shall))~~ must be turned off, locked out, and tagged, the belt stopped, and the hopper closed.

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

**WAC 296-56-60093 Certification of marine terminal material handling devices.** (1) ~~((The employer shall))~~ You must not use any material handling device listed in WAC 296-56-60098(8) until ~~((he/she has))~~ you have ascertained that the device has been certified, as evidenced by current and valid documents attesting to compliance with the requirements of WAC 296-56-60097 and 296-56-60098.

(2) You must make sure certification surveys are ~~((to be))~~ completed for the conditions of use found at the time such surveys are performed. Equipment owners or users may change the configurations of the equipment according to the manufacturer's specifications without affecting the established certification status for the equipment.

(3) These rules apply to employment within a marine terminal including the loading, unloading, movement, or other handling of cargo, ship's stores, or gear within the terminal or into or out of any land carrier, holding or consolidation area, or any other activity within and associated with the overall operation and functions of the terminal, such as the use and routine maintenance of facilities and equipment.

(4) You must make sure inspection and test certificates ~~((shall be))~~ are issued only for that equipment which meets or exceeds the requirements specified in these rules. All inspection and test certificates ~~((shall))~~ must be issued through the office of the assistant director of the division of consultation and compliance, department of labor and industries, and ~~((shall))~~ must be valid for a period not to exceed one year from the date of issuance.

(5) You must make sure equipment requiring certification ~~((shall be))~~ is inspected by individuals who have received a "certificate of competency" from the assistant director~~((, division of WISHA services))~~ of DOSH indicating that they are qualified and capable of performing such work.

(6) You must make sure that when deficiencies are found they ~~((shall be))~~ are noted on forms provided for such purpose by the division of consultation and compliance. Copies ~~((shall))~~ must be delivered to the owner of the equipment and the division of consultation and compliance at the headquarter's office by the person conducting such tests or inspections.

(7) You must make sure a certificate of unit test or examination of equipment ~~((shall not be))~~ is not issued for any equipment found not to be in compliance with the provisions of this chapter.

(8) You must make sure persons desiring a "certificate of competency" ~~((shall))~~ demonstrate and document their capabilities and qualifications to the assistant director of the division of consultation and compliance, who will issue certificates to those persons who have demonstrated competency. The assistant director reserves the right to revoke such certificates at any time for cause. A "certificate of competency" ~~((shall))~~ must be issued for a period of not more than three years. Applications for renewal may be made not more than sixty days prior to the expiration date shown on the certificate.

(9) The assistant director of the division of consultation and compliance or ~~((his/her))~~ their representative, reserves the right to inspect such equipment or to witness or attend any test or inspection in order to ascertain the adequacy of any certification activity performed.

(10) You must make sure, unless otherwise exempted, all cranes or derricks required to be ~~((certificated))~~ certified by these regulations ~~((shall))~~ must have a current test certificate posted in the operator's cab or station. No person ~~((shall))~~ may operate such crane or derrick unless a current valid certificate is posted.

AMENDATORY SECTION (Amending WSR 95-04-007, filed 1/18/95, effective 3/1/95)

**WAC 296-56-60095 Advisory crane certification panel.** (1) Any person desiring a certificate of competency for crane inspection or certification ~~((shall))~~ must make application to the assistant director of the division of consultation and compliance for the certificate of competency. The application ~~((shall))~~ must include documentation of all qualifications, including all past experience, education, training and any other factors deemed to be relevant to the application.

(2) The advisory crane certification panel ~~((shall))~~ must assist the assistant director of the division of consultation and compliance in ~~((his/her))~~ their duties under this chapter. The panel ~~((shall))~~ must consist of six members. Two members ~~((shall))~~ must represent labor, two members ~~((shall))~~ must represent management, and one member ~~((shall))~~ must be a crane expert. The sixth member ~~((shall))~~ must be chair of the panel. ~~((He/she shall))~~ The chair must be the assistant director of consultation and compliance or ~~((his/her))~~ the chair's designee. The panel ~~((shall))~~ must be responsible for advising the assistant director as to the issuance of any certificate of competency. The panel ~~((shall))~~ must review all applications for certificates of competency. Minutes of meetings ~~((shall))~~ must be kept.

(3) In addition, the panel ~~((shall))~~ must, upon request by the assistant director, render advice concerning any matter which is relevant to crane safety. The panel ~~((shall))~~ must meet twice yearly or more often as deemed necessary by the chairman of the panel. Any panel member who is not an employee of the state of Washington ~~((shall))~~ must serve voluntarily.

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

**WAC 296-56-60097 Unit proof load test and inspection.** (1) You must make sure cranes and derricks ~~((shall be))~~ are proof load tested, rated and certified in tons (2,000 lbs. = 1 ton). Cranes and derricks ~~((shall))~~ must be inspected and unit proof load tested prior to being put into use, after any significant modification or repairs of structural parts, or when deemed necessary by the assistant director of consultation and compliance or ~~((his/her))~~ their designee. However, each crane or derrick ~~((shall))~~ must be unit proof load tested at least once during each twelve-month period. Unit proof load tests ~~((shall))~~ must be carried out by the use of weights as a dead load. When use of weights for unit proof load tests is not possible or reasonable a dynamometer or other recording test equipment may be used. Such equipment ~~((shall))~~ must be tested for accuracy with certified calibrating equipment within twelve months prior to being used and a copy of the certified calibration test ~~((shall))~~ must be made available to authorized representatives of the division of consultation and compliance upon request.

(2) The weight of the objects used for a dead load weight test ~~((shall))~~ must be certified and a record of the weight ~~((shall))~~ must be made available upon request. Any replacements or repairs deemed necessary by the person conducting a test ~~((shall))~~ must be carried out before application of the required proof load unit test.

~~((4))~~ (3) The proof load tests for derricks ~~((shall))~~ must be conducted as follows:

Safe Working Load	Proof Load
To 20 tons	25% in excess
20-50 tons	5 tons in excess
Over 50 tons	10% in excess of manufacturer's recommended lifting capacity.

Proof load ~~((shall))~~ must be applied at the designed maximum and minimum boom angles or radii, or if this is impractical, as close to these as practical. The angles or radii of test ~~((shall))~~ must be stated in the certificate of test. Proof loads ~~((shall))~~ must be swung as far as possible in all directions. The weight of auxiliary handling devices such as spreader bars, robots, clams, magnets, or other gear ~~((shall))~~ must be considered a part of the load. Brakes ~~((shall))~~ must be tested by holding the proof load suspended without other mechanical assistance. After satisfactory completion of a unit proof load test the derrick and all component parts thereof ~~((shall))~~ must be carefully examined and nondestructive tests may be conducted to assure that the equipment is safe for use and has not been damaged in the unit proof load testing process.

~~((2))~~ (4) Unit proof load tests for cranes ~~((shall))~~ must be carried out with the boom in the least stable direction relative to the mounting, based on the manufacturer's specifications.

(5) Unit proof load tests for cranes ~~((shall))~~ must be based on the manufacturer's load ratings for the conditions of use and ~~((shall))~~ must, except in the case of bridge type cranes utilizing a trolley, consist of application of a proof load of ten percent in excess of the load ratings at maximum

and minimum radius, and at such intermediate radii as the certifying authority may deem necessary in the circumstances. (The manufacturer's load ratings are usually based upon percentage of tipping loads under some conditions and upon limitations of structural competence at others, as well as on other criteria such as type of crane mounting, whether or not outriggers are used, etc. Some cranes utilizing a trolley may have only one load rating assigned and applicable at any outreach. It is important that the manufacturer's ratings be used.) Trolley equipped cranes ~~((shall))~~ must be subject to a proof load of twenty-five percent in excess of the manufacturer's load rating. In cases of foreign manufacture, the manufacturer's specifications ~~((shall))~~ must be subject to approval by the certifying authority. The weight of all auxiliary handling devices such as magnets, hooks, slings, and clamshell buckets ~~((shall))~~ must be considered part of the load.

~~((3))~~ (6) If the operation in which equipment is engaged never utilizes more than a fraction of the safe working load rating, the owner of the equipment may, at ~~((his/her))~~ their option, have the crane or derrick certified for and operated at a lesser maximum safe working load in keeping with the use and based on radius and other pertinent factors, however, the equipment concerned ~~((shall))~~ must be physically capable of operation at the original load rating and the load reduction ~~((shall))~~ must not be for the purpose of avoiding correction of any deficiency.

~~((4))~~ (7) Safe working load ratings ~~((shall))~~ must not be increased beyond the manufacturer's ratings or original design limitations without prior approval by the accredited certification agency. Such prior approval ~~((shall))~~ must be based on the manufacturer's approval of such increase or documented engineering design analysis or both. All necessary structural changes ~~((shall))~~ must be completed prior to approval by the accredited certification agency.

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

**WAC 296-56-60098 Examination and inspection of cranes and derricks.** (1) You must carry out an examination ~~((shall be carried out))~~ in conjunction with each annual unit proof load test. The accredited person, or their authorized representative, ~~((shall))~~ must make a determination as to correction of deficiencies found. The examination ~~((shall))~~ must include the following: (Refer to WAC 296-56-60093(8) for definition of accredited person.)

(a) All functional operating mechanisms ~~((shall))~~ must be examined for improper function, maladjustment, and excessive component wear, with particular attention to sheaves, pins, and drums. The examinations ~~((shall))~~ must include operation with partial load, in which all functions and movements, including maximum possible rotation in both directions, are checked.

(b) All safety devices ~~((shall))~~ must be examined for malfunction.

(c) Lines, tanks, valves, drains, pumps, and other parts of air or hydraulic systems ~~((shall))~~ must be examined for deterioration or leakage.

(d) Rope reeving ~~((shall))~~ must comply with the manufacturer's recommendations.

(e) Deformed, cracked, or excessively corroded members in crane structure and boom ~~((shall))~~ must be repaired or replaced as necessary.

(f) Loose bolts, rivets, or other connections ~~((shall))~~ must be corrected.

(g) Worn, cracked, or distorted parts affecting safe operation ~~((shall))~~ must be corrected.

(h) All brakes, used to control the load, boom or travel of the crane, ~~((shall))~~ must be tested. Air, hydraulic, or electrically operated brakes ~~((shall))~~ must be of such design as to set and stop the load if the source of power fails.

(i) Brake and clutch system parts, linings, pawls, and ratchets ~~((shall))~~ must be examined for excessive wear and free operation.

(j) Load, boom angle, or other indicators ~~((shall))~~ must be checked over their full range. Defects in such indicators ~~((shall))~~ must be immediately corrected.

(k) Where used, clamshell buckets or other similar equipment, such as magnets, ~~((shall))~~ must be carefully examined in all respects, with particular attention to closing line wires and sheaves. The accredited person may supplement such examination by requesting any operational tests deemed appropriate.

(l) Careful examination of the junction areas of removable boom sections, particularly for proper seating, cracks, deformities, or other defects in securing bolts and in the vicinity of such bolts, ~~((shall))~~ must be made.

(m) All platforms, steps and footwalks located on cranes where workers are exposed to the hazard of slipping ~~((shall))~~ must be of a nonslip material. Wire rope used for railings on cranes ~~((shall))~~ must be kept taut at all times.

Note: In critical areas such as footwalks along booms, a grating material should be used.

(n) No counterweights in excess weight of the manufacturer's specifications ~~((shall))~~ must be fitted or used.

(o) Such other examination or supplemental functional tests ~~((shall))~~ must be made as may be deemed necessary by the accredited person under the circumstances.

(2) You must meet the following requirements for wire rope(-):

(a) All wire rope ~~((shall))~~ must be inspected at least once a month, dependent upon conditions to which the wire ropes are subjected, and at intervals not exceeding a twelve-month period. Records of inspection of wire rope ~~((shall))~~ must be kept and ~~((shall))~~ must be available to the department of labor and industries representative. Records ~~((shall))~~ must be kept for one year. Refer to the general safety and health standards, WAC 296-24-24013.

(b) Wire rope ~~((shall))~~ must not be used if in any length of eight diameters, the total number of visible broken wires exceeds ten percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion, or defect. Particular attention ~~((shall))~~ must be given to the condition of those sections of wire rope adjacent to any terminal connections, those sections exposed to abnormal wear, and those sections not normally exposed for examination.

(c) Documentation available for inspection ~~((shall))~~ must include wire rope test certificates relating to any replacements made since the last unit test or annual examination as required.

(d) Wire rope and replacement wire rope ~~((shall))~~ must be of the same size, same or better grade, and same construction as originally furnished by the equipment manufacturer or contemplated in the design, unless otherwise recommended by the equipment or wire rope manufacturer due to actual working conditions. In the absence of specific requirements, wire rope ~~((shall))~~ must be of a size and construction suitable for the purpose, and ~~((shall))~~ must have the capacity to handle five times the heaviest expected load, verified by wire rope test certificate.

(e) Wire rope in use on equipment previously constructed and prior to initial certification of said equipment ~~((shall))~~ must not be required to be tested but ~~((shall))~~ must be subject to thorough examination at the time of initial certification of the equipment.

(3)~~((a))~~ You must meet the following requirements for accessory components(-):

(a) Container spreader bar twist locks ~~((shall))~~ must be carefully examined periodically and at the time of annual examination and inspection. Cracked or deformed hooks ~~((shall))~~ must be discarded immediately and not reused.

(b) Crane hooks and container spreader bar twist lock. Magnetic particle or other suitable crack detecting inspection ~~((shall))~~ must be performed at least once each year. When testing by X ray, the pertinent provisions of the Nuclear Regulatory Commission's standards for protection against radiation, relating to protection against occupational radiation exposure, ~~((shall))~~ must apply.

(4) You must make sure, in the event that heat treatment of any loose gear is recommended by the manufacturer, the latest heat treatment certificate attesting to compliance with the manufacturer's specifications ~~((shall))~~ must be part of the available documentation. Heat treatment ~~((shall))~~ must be carried out in accordance with the specifications of the manufacturer by persons competent to perform such work.

(5) You must make sure replacement parts ~~((shall be))~~ are of equal or better quality than the original equipment and suitable for the purpose. Repairs or modifications ~~((shall))~~ must be such as to render the equipment equal to or better than the original construction or design.

(6) You must make sure, in cases of foreign manufactured cranes, there ~~((shall be))~~ is an owner's warranty that the design is adequate for the intended use. The warranty ~~((shall))~~ must be based on a thorough examination of the design specifications by a registered professional engineer familiar with the equipment.

(7) You must make sure the certifications required by this section ~~((shall be))~~ are performed in accordance with WAC 296-56-60093 by persons accredited by the assistant director of ~~((WISHA services))~~ DOSH.

(8) You must make sure the marine terminal material handling devices listed below ~~((shall be))~~ are certified in the following manner:

(a) Each crane and derrick ~~((shall))~~ must be tested and examined as a unit annually. A copy of the certificate of tests and examinations ~~((shall))~~ must be posted in the crane operator's cab.

(b) Bulk cargo spouts and suckers, together with any portable extensions and rigging or outriggers supporting them vertically, ~~((shall))~~ must be examined annually. Certificates



attesting to the required examination ((shall)) must be made readily available for inspection.

(c) Vertical pocket or bucket conveyors such as banana, sugar, and grain marine legs (other than those within a grain elevator structure) used within a marine terminal facility ((shall)) must be examined annually. The annual examination ((shall)) must include all supporting structures, rigging, mechanical components and observation of all steps of operations. Certificates attesting to the required examinations ((shall)) must be readily available for inspection.

(d)((+)) House fall cargo-handling gear ((shall)) must be proof load tested as a unit upon initial certification and every fourth year thereafter.

(i) An examination ((shall)) must be carried out in conjunction with each unit proof load test and annually thereafter. The unit test ((shall)) must consist of a proof load of twenty-five percent in excess of the rated safe working load. Examinations ((shall)) must include all supporting structures and components. Certificates attesting to the required tests and examinations ((shall)) must be readily available for inspection.

(ii) House fall span beams or other house fall block supports ((shall)) must be marked with the safe working load, which ((shall)) must not be exceeded.

(e) You must meet the following requirements for special gear(-):

(i) Special stevedoring gear provided by the employer, the strength of which depends upon components other than commonly used stock items such as shackles, ropes or chains, ((shall)) must be tested as a unit in accordance with the following table before initially being put into use (see Table A). In addition, any special stevedoring gear that suffers damage necessitating structural repair ((shall)) must be inspected and retested after repair and before being returned to service.

Table A

Safe Working Load	Proof Load
Up to 20 short tons . . . . .	25 percent in excess
Over 20 to 50 short tons . . . . .	5 short tons in excess
Over 50 short tons . . . . .	10 percent in excess

(ii) Special stevedoring gear provided by the employer that has a SWL of five short tons (10,000 or 4.54 metric tons) or less ((shall)) must be inspected and tested as a unit before initial use according to (d) and (e) of this subsection or by a designated person (see Table A).

(iii) Every spreader not a part of ship's gear and used for hoisting intermodal containers ((shall)) must be tested to a proof load equal to twenty-five percent in excess of its rated capacity. Additionally, any spreader which suffers damage necessitating structural repair ((shall)) must be retested after repair and before being returned to service.

(iv) Certificates attesting to the required tests ((shall)) must be available for inspection.

(v) All cargo handling gear covered by this section with a SWL greater than five short tons (10,000 lbs. or 4.54 metric tons) ((shall)) must be proof load tested according to Table A every four years in accordance with subsection (7) of this section or by a designated person.

(f) Wire rope and loose gear used for material handling ((shall)) must be tested and certified before being placed into use in accordance with the provisions of WAC 296-56-60097. Certificates attesting to the required tests, inspections and examinations ((shall)) must be available.

(9) ~~((Disassembly and reassembly of equipment does not require recertification of the equipment))~~ You do not need to recertify equipment that has been disassembled and reassembled provided that the equipment is reassembled and used in a manner consistent with its certification.

(10) Equipment certified in Washington and transferred to a site in another state does not require recertification in this state upon its return, until the next inspection or examination becomes due as if it had not been moved.

(11) You must make sure certification procedures ((shall not be)) are not construed as a substitute for, or cause for elimination of, normal operational inspection and maintenance routine throughout the year.

(12)((+)) You must make sure every unit of equipment requiring annual certification ((shall have)) has had such annual certification within the previous twelve months.

(a) Equipment requiring annual certification ((shall)) must have had such annual certification within the previous twelve months, except that no annual certification is required within twelve months after any required certification. Annual examinations for certification may be accomplished up to one month early without effect on subsequent due dates.

(b) When certified equipment is out of service for six months or more beyond the due date of a certification inspection, an examination equivalent to an initial certification, including unit proof load test, ((shall)) must be performed before the equipment reenters service.

(13) You must make sure loose gear ((shall)) bears a legible mark indicating that it has been tested (see WAC 296-56-60097). Single sheave blocks ((shall)) must be marked with safe working loads and proof test loads. Marks relating to testing ((shall)) must be identifiable on the related certificates, which ((shall)) must be available.

(14) The certification requirements of this section do not apply to the following equipment:

(a) Industrial trucks and small industrial crane trucks; and

(b) Any straddle truck not capable of straddling two or more intermodal containers sixteen feet (4.88 m) in width.

(15) You must meet the following requirements for a safe working load(-):

(a) The safe working load of gear as specified in this section ((shall)) must not be exceeded.

(b) All cargo handling gear provided by the employer with a safe working load greater than five short tons (10,000 lbs. or 4.54 metric tons) ((shall)) must have its safe working load plainly marked on it.

AMENDATORY SECTION (Amending WSR 85-10-004, filed 4/19/85)

**WAC 296-56-60099 Hand tools.** (1) You must maintain hand tools used by employees ~~((shall be maintained))~~ in safe operating condition.

(2)((a)) You must make sure hand-held portable electric tools ((shall be)) are equipped with switches that must be manually held in a closed position to operate the tool.

((b)) (a) Portable power-driven circular saws ((shall)) must be equipped with guards above and below the base plate or shoe.

(b) The upper guard ((shall)) must cover the saw to the depth of the teeth, except for the minimum arc needed to permit the base to be tilted for bevel cuts.

(c) The lower guard ((shall)) must cover the saw to the depth of the teeth, except for the minimum arc needed to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard ((shall)) must automatically and instantly return to the covering position.

(3) You must make sure only cutting tools ((shall be)) are used to cut metal strapping or banding used to secure cargo.

~~((PART F — SPECIALIZED TERMINALS))~~

NEW SECTION

**WAC 296-56-60100 Specialized terminals.**

**Summary**

This section applies to all specialized terminals in your workplace.

**Your responsibility:** To protect employees from hazards in specialized terminals in your workplace.

<b>You must meet the requirements...</b>	<b>in this section:</b>
General	WAC 296-56-60101
Terminals handling intermodal containers or roll-on roll-off operations	WAC 296-56-60103
Grain elevator terminals	WAC 296-56-60105
Terminal facilities handling menhaden and similar species of fish	WAC 296-56-60107

AMENDATORY SECTION (Amending WSR 09-15-144, filed 7/21/09, effective 9/1/09)

**WAC 296-56-60103 Terminals handling intermodal containers or roll-on roll-off operations.** (1) You must make sure every intermodal container ((shall be)) is legibly and permanently marked with:

- (a) The weight of the container when empty, in pounds;
- (b) The maximum cargo weight the container is designed to carry, in pounds; and
- (c) The sum of the maximum weight of the container with cargo, in pounds (gross container capacity).

(2) You must make sure no container ((shall be)) is hoisted by any crane or derrick unless the following conditions have been met:

(a) ((The employer shall)) You must ascertain from the carrier whether a container to be hoisted is loaded or empty. Empty containers ((shall)) must be identified before loading

or discharge in such a manner as will inform every supervisor and foreman on the site and in charge of loading or discharging, and every crane or other hoisting equipment operator and signalman, if any, that the container is empty. Methods of identification may include cargo plans, manifests or markings on the container.

(b) In the case of a loaded container:

(i) The actual gross weight ((shall)) must be plainly marked so as to be visible to the crane operator, other hoisting equipment operator, signalman, and to every supervisor and foreman on the site and in charge of the operation; or

(ii) The cargo stowage plan or equivalent permanently recorded display serving the same purpose, containing the actual gross weight and the serial number or other positive identification of that specific container, ((shall)) must be provided to the crane or other hoisting equipment operator and signalman, if any, and to every supervisor and foreman on the site and in charge of the operation.

(c) Every outbound loaded container which is received at a marine terminal ready to load aboard a vessel without further consolidation or loading ((shall)) must be weighed to obtain the actual gross weight before being hoisted.

(d)((+)) When container weighing scales are located at a marine terminal, any outbound container with a load consolidated at that terminal ((shall)) must be weighed to obtain an actual weight before being hoisted.

((+)) (i) If the terminal has no scales, the actual gross weight may be calculated on the basis of the container's contents and the container's empty weight. The weights used in the calculation ((shall)) must be posted conspicuously on the container, with the name of the person making the calculation and the date.

((+)) (ii) Container weights ((shall)) must be subject to random sample weight checks at the nearest weighing facility. In cases where such weight checks or experience otherwise indicate consistently inaccurate weights, the weight of containers so calculated at the source from which the inaccurate weights originated ((shall)) must no longer be recognized as true gross weights. Such containers ((shall)) must not be hoisted unless actual gross weights have been obtained by weighing.

(e) The following containers are exempted from the requirements of (c) and (d) of this subsection:

- (i) Open type vehicle containers.
- (ii) The container is marked on the outside in such a manner that an employee can readily discern that the container is carrying vehicles.
- (iii) Containers built specifically for the carriage of compressed gases.
- (iv) The container carries only completely assembled vehicles and no other cargo.
- (v) The vehicles were loaded into the container at the marine terminal.

(f) The weight of loaded inbound containers from foreign ports ((shall)) must be determined by weighing or by the method of calculation described in (d)(ii) of this subsection or by shipping documents.

(g) Any scale used within Washington state to weigh containers for the purpose of the requirements of this section

~~((shall))~~ must meet the accuracy standards of the state or local public authority in which the scale is located.

(3) You must make sure no container ~~((shall be))~~ is hoisted if its actual gross weight exceeds the weight marked as required in subsection (1)(c) of this section, or if it exceeds the capacity of the crane or other hoisting device intended to be used.

(4)~~((a))~~ You must make sure there are marked or designated areas ~~((shall be))~~ set aside within a container or roll-on roll-off terminal for passage of employees to and from active cargo transfer points, except where you provide transportation to and from those points ~~((is provided by the employer))~~.

~~((b) The employer shall)~~ (a) You must direct employees to stay clear of the area beneath a suspended container.

(b) Employees ~~((shall))~~ must stay clear of the area beneath a suspended container.

(5) You must make sure each employee working in the immediate area of container handling equipment or in the terminal's traffic lanes ~~((shall))~~ wears a high visibility vest (or equivalent protection).

Note to subsection (5): High visibility vests or equivalent protection means high visibility/retroreflective materials which are intended to provide conspicuity of the user by day through the use of high visibility (fluorescent) material and in the dark by vehicle headlights through the use of retroreflective material. The minimum area of material for a vest or equivalent protection is .5m(2)(760 in.(2)) for fluorescent (background) material and .13m(2)(197 in.(2)) for retroreflective material. Vests or equivalent protection, such as high visibility/retro-reflective coveralls, that are available for industrial use, may also be acceptable.

(6) You must make sure containers ~~((shall be))~~ are handled using lifting fittings or other arrangements suitable and intended for the purposes as set forth in (a) and (c) of this subsection, unless when damage to an intermodal container makes special means of handling necessary.

(a) Loaded intermodal containers of twenty feet (6.1 m) or more in length ~~((shall))~~ must be hoisted as follows:

(i) When hoisting by the top fittings, the lifting forces ~~((shall))~~ must be applied vertically from at least four top fittings or by means which will safely lift the container without damage. The lifting fittings provided ~~((shall))~~ must be used.

(A) The container being lifted is an ISO closed box container;

(B) The condition of the box is sound;

(C) The speed of hoisting and lowering is moderated when heavily laden containers are encountered;

(D) The lift angle is at eighty to ninety degrees;

(E) The distance between the lifting beam and the load is at least eight feet and 2.4 inches (2.5 m); and

(F) The length of the spreader beam is at least 16.3 feet (5 m) for a twenty-foot container, and at least 36.4 feet (11.1 m) for a forty-foot container.

(ii) If hoisted from bottom fittings, the hoisting connections ~~((shall))~~ must bear on the fittings only, making no other contact with the container. The angles of the four bridle legs ~~((shall))~~ must not be less than thirty degrees to the horizontal in the case of forty foot (12.2 m) containers, thirty-seven degrees in the case of thirty foot (9.1 m) containers, or forty-five degrees in the case of twenty foot (6.1 m) containers.

(ii) Lifting containers by fork lift trucks or by grappling arms from above or from one side may be done only if the container is designed for this type of handling.

(b) Other means of hoisting may be used only if the containers and hoisting means are designed for such use.

(c)~~((i))~~ When using intermodal container spreaders that employ lanyards for activation of load disengagement, all possible precautions ~~((shall))~~ must be taken to prevent accidental release of the load. ~~((i))~~ Intermodal container spreader twistlock systems ~~((shall))~~ must be designed and used so that a suspended load cannot accidentally be released.

(d) Flat bed trucks or container chassis used to move intermodal containers ~~((shall))~~ must be equipped with pins, flanges, or other means to prevent the container from shifting.

(e) Flat bed, low boy trailers (mafis) and other similar equipment used to transport containers ~~((shall))~~ must be marked with their cargo capacities and ~~((shall))~~ must not be overloaded.

(f) Each tractor ~~((shall))~~ must have all brake air lines connected when pulling trailers equipped with air brakes and ~~((shall))~~ must have the brakes tested before commencing operations.

(7)~~((a))~~ You must inspect intermodal containers ~~((shall be inspected))~~ for defects in structural members or fittings before handling. ~~((b))~~ Any intermodal container found to be unsafe ~~((shall))~~ must be identified as such, promptly removed from service and repaired before being returned to service.

(8) You must make sure containers ~~((shall not be))~~ are not hoisted unless all engaged chassis twist locks are released.

(9) ~~((Vertical tandem lifts.))~~ You must meet the following requirements ~~((apply to))~~ for operations involving the lifting of two or more intermodal containers by the top container ~~((vertical tandem lifts of VTLs))~~, also known as vertical tandem lifts (VTLs).

(a) Each employee involved in VTL operations ~~((shall))~~ must be trained and competent in the safety-related work practices, safety procedures, and other requirements in this section that pertain to their respective job assignments.

(b) No more than two intermodal containers may be lifted in a VTL.

(c) Before the lift begins, ~~((the employer shall))~~ you must ensure that the two containers lifted as part of a VTL are empty.

Note: The lift begins immediately following the end of the prelift required by subsection (9)(c) of this section. Thus, the weight may be determined during the prelift using a load indicating device meeting WAC 296-56-60085 (1)(a) on the crane being used to the lift the VTL.

(d) The lift ~~((shall))~~ must be performed using either a shore-based container gantry crane or another type of crane that:

(i) Has the precision control necessary to restrain unintended rotation of the containers about any axis;

(ii) Is capable of handling the load volume and wind sail potential of VTLs; and

(iii) Is specifically designed to handle containers.

(e) ~~((The employer shall))~~ You must ensure that the crane operator pauses the lift when the vertically coupled

containers have just been lifted above the supporting surface to assure that each interbox connector is properly engaged.

(f) Containers below deck may not be handled as a VTL.

(g) VTL operations may not be conducted when the wind speed exceeds the lesser of:

(i) Fifty-five km/h (thirty-four mph or thirty knots); or

(ii) The crane manufacturer's recommendation for maximum wind speed.

(h) ~~((The employer shall))~~ You must ensure that each interbox connector used in a VTL operation:

(i) Automatically locks into corner castings on containers but only unlocks manually (manual twistlocks or latchlocks are not permitted);

(ii) Is designed to indicate whether it is locked or unlocked when fitted into a corner casting;

(iii) Locks and releases in an identical direction and manner as all other interbox connectors in the VTL;

(iv) Has been tested and certificated by a competent authority of this chapter (for interbox connectors that are a part of a vessel's gear) or WAC 296-56-60093 (for other interbox connectors):

(A) As having a load-bearing surface area of eight hundred mm\two\ when connected to a corner casting with an opening that is sixty-five mm wide; and

(B) As having a safe working load of ninety-eight kN (ten thousand kg) with a safety factor of five when the load is applied by means of two corner castings with openings that are sixty-five mm wide or equivalent devices;

(v) Has a certificate that is available for inspection and that attests that the interbox connector meets the strength criteria given in subsection (9)(h)(iv) of this section; and

(vi) Is clearly and durably marked with its safe working load for lifting and an identifying number or mark that will enable it to be associated with its test certificate.

(i) Reserved.

(j) ~~((The employer shall))~~ You must ensure that each container and interbox connector used in a VTL and each corner casting to which a connector will be coupled is inspected immediately before use in the VTL.

(i) Each employee performing the inspection ~~((shall))~~ must be capable of detecting defects or weaknesses and be able to assess their importance in relation to the safety of VTL operations.

(ii) The inspection of each interbox connector ~~((shall))~~ must include: A visual examination for obvious structural defects, such as cracks, a check of its physical operation to determine that the lock is fully functional with adequate spring tension on each head; and a check for excessive corrosion and deterioration.

(iii) The inspection of each container and each of its corner castings ~~((shall))~~ must include: A visual examination for obvious structural defects, such as cracks, a check for excessive corrosion and deterioration; and a visual examination to ensure that the opening to which an interbox connector will be connected has not been enlarged, that the welds are in good condition, and that it is free from ice, mud, or other debris.

(iv) ~~((The employer shall))~~ You must establish a system to ensure that each defective or damaged interbox connector is removed from service.

(v) An interbox connector that has been found to be defective or damaged ~~((shall))~~ must be removed from service and may not be used in VTL operations until repaired.

(vi) A container with a corner casting that exhibits any of the problems listed in subsection (9)(j)(iii) of this section may not be lifted in a VTL.

(k) No platform container may be lifted as part of a VTL unit.

(10) You must meet the following requirements for transporting vertically coupled containers(-):

(a) Equipment other than cranes used to transport vertically connected containers ~~((shall))~~ must be either specifically designed for this application or evaluated by a qualified engineer and determined to be capable of operating safely in this mode of operation.

(b) ~~((The employer shall))~~ You must develop, implement, and maintain a written plan for transporting vertically connected containers. The written plan ~~((shall))~~ must establish procedures to ensure safe operating and turning speeds and ~~((shall))~~ must address all conditions in the terminal that could affect the safety of VTL-related operations, including communication and coordination among all employees involved in these operations.

(11) ~~((Safe work zone. The employer shall))~~ You must establish a safe work zone within which employees may not be present when vertically connected containers are in motion.

(a) The safe work zone ~~((shall))~~ must be sufficient to protect employees in the event that a container drops or overturns.

(b) The written transport plan required by subsection (10)(b) of this section ~~((shall))~~ must include the safe work zone and procedures to ensure that employees are not in this zone when a VTL is in motion.

AMENDATORY SECTION (Amending WSR 05-03-093, filed 1/18/05, effective 3/1/05)

**WAC 296-56-60107 Terminal facilities handling menhaden and similar species of fish.** (1)~~((a))~~ You must make sure tanks in terminal areas used for receiving or storing bailwater for recirculating into vessel holds in discharging operations ~~((shall be))~~ are opened or ventilated to minimize contamination of water circulated to the vessel.

(a) Bailwater tanks ~~((shall))~~ must be thoroughly drained upon completion of each day's operations and ~~((shall))~~ must be left open to the air. Drainage is unnecessary when bailwater has been treated to remove hydrogen sulfide-producing contaminants and the efficiency of such treatment has been established.

(b) Before employees enter a dock tank, it shall first be drained, rinsed and tested for hydrogen sulfide and oxygen deficiency. Employees ~~((shall))~~ must not enter the tank when the hydrogen sulfide level exceeds twenty ppm or oxygen content is less than nineteen and one-half percent, except in emergencies.

(c) Tests ~~((shall))~~ must be conducted by designated personnel with suitable test equipment and respiratory protective equipment complying with the provisions of this chapter and chapter 296-842 WAC.

(2) You must make sure pipelines and hoses on the dock or terminal used for receiving and circulating used bailwater (~~(shall be)~~) are completely drained upon completion of each day's operation and left open to the air.

(3) You must make sure at least four units of respiratory protective equipment consisting of supplied-air respirators or self-contained breathing apparatus complying with the requirements of chapter 296-842 WAC (~~(shall be)~~) are available in a suitably labeled cabinet for immediate use in case of an emergency caused by oxygen deficiency or hydrogen sulfide. Any employee entering a tank in an emergency (~~(shall)~~) must, in addition to respiratory protective equipment, wear a lifeline and safety harness to facilitate rescue. At least two other employees, similarly equipped, (~~(shall)~~) must be continuously stationed outside the tank to observe and to provide rescue services.

(4) You must make sure the plant superintendent and foremen (~~(shall be)~~) are trained and knowledgeable about the hazards of hydrogen sulfide and oxygen deficiency. They (~~(shall)~~) must be trained in the use of appropriate respiratory and other protective equipment, and in rescue procedures. Other supervisory plant personnel (~~(shall)~~) must be informed of these hazards and instructed in the necessary safety measures, including use of respiratory and rescue equipment.

(5) You must make sure supervisory personnel (~~(shall be)~~) are on hand at dockside to supervise discharging of bailwater from vessels.

~~(PART G — PERSONAL PROTECTION)~~

NEW SECTION

**WAC 296-56-60108 Personal protection.**

**Summary**

This section applies to all personal protection equipment in your workplace.

**Your responsibility:** To protect employees from hazards in your workplace.

<b>You must meet the requirements...</b>	<b>in this section:</b>
Eye protection	WAC 296-56-60109
Respiratory protection	WAC 296-56-60110
Head protection	WAC 296-56-60111
Foot protection	WAC 296-56-60113
Other protective measures	WAC 296-56-60115
Payment for protective equipment	WAC 296-56-60116
Maintenance and load limits	WAC 296-56-60117
Protection from falling	WAC 296-56-60119
Minimum safety requirements for docks and dock facilities	WAC 296-56-60121
Access to vessels	WAC 296-56-60122
Guarding of edges	WAC 296-56-60123
Clearance heights	WAC 296-56-60125

<b>You must meet the requirements...</b>	<b>in this section:</b>
Cargo doors	WAC 296-56-60127
Platforms and skids	WAC 296-56-60129
Elevators and escalators	WAC 296-56-60131
Manlifts	WAC 296-56-60133

AMENDATORY SECTION (Amending WSR 10-09-088, filed 4/20/10, effective 6/1/10)

**WAC 296-56-60109 Eye protection.** (1) ~~((a) When employees perform work hazardous to the eyes, the employer shall)~~ You must provide eye protection equipment that complies with ANSI Z87.1, American National Standard Practice for Occupational and Educational Eye and Face Protection, edition 1989, revision 1998, or edition 2003 when employees perform work hazardous to the eyes.

~~((Employers))~~ (a) You may provide alternate eye and face protection if they can demonstrate such devices are at least as effective as those constructed in accordance with one of the above consensus standards.

(b) For employees wearing corrective spectacles, eye protection equipment required by (a) of this subsection (~~(shall)~~) must be of a type which can be worn over spectacles. Prescription ground safety lenses may be substituted if they provide equivalent protection.

(c) For additional requirements covering eye protection against radiant energy, see WAC 296-56-60235(8).

(2) You must maintain eye protection equipment (~~(shall be maintained))~~ in good condition.

(3) You must clean and disinfect used eye protection equipment (~~(shall be cleaned and disinfected))~~ before reissuance to another employee.

AMENDATORY SECTION (Amending WSR 14-03-013, filed 1/7/14, effective 2/10/14)

**WAC 296-56-60111 Head protection.** (1) You must make sure employees exposed to impact, falling or flying objects, or electric shocks or burns (~~(shall)~~) wear protective hats.

(2) ~~((The employer))~~ You must ensure that all protective helmets comply with any of the following consensus standards:

(\*) (a) ANSI Z89.1-2009, American National Standard for Industrial Head Protection.

(\*) (b) ANSI Z89.1-2003, American National Standard for Industrial Head Protection.

(\*) (c) ANSI Z89.1-1997, American National Standard for Industrial Head Protection.

(\*) (d) ANSI Z89.1-1986, American National Standard for Personnel Protection—Protective Headwear for Industrial Workers—Requirements.

~~((Employers))~~ (e) You may use alternate head protection if ~~((they))~~ you can demonstrate such devices are at least as effective as those constructed in accordance with one of the above consensus standards.

(3) You must clean and disinfect protective hats previously worn (~~((shall be cleaned and disinfected))~~) before issuance by the employer to another employee.

AMENDATORY SECTION (Amending WSR 10-09-088, filed 4/20/10, effective 6/1/10)

**WAC 296-56-60113 Foot protection.** (1) (~~The employer shall~~) You must ensure that each affected employee wears protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects or objects piercing the sole.

(2) (~~The employer~~) You must ensure that all protective footwear complies with one of the following consensus standards:

(~~•~~) (a) ASTM F-2412-2005, Standard Test Methods for Foot Protection, and ASTM F-2413-2005, Standard Specification for Performance Requirements for Protective Footwear.

(~~•~~) (b) ANSI Z41-1999, American National Standard for Personal Protection—Protective Footwear.

(~~•~~) (c) ANSI Z41-1991, American National Standard for Personal Protection—Protective Footwear.

(Employers) (d) You may use alternate footwear if (~~they~~) you can demonstrate it is at least as effective as those constructed in accordance with one of the above consensus standards.

(3) (~~The employer shall~~) You must make safety shoes readily available to all employees through means such as vendors or local stores (~~(, make safety shoes readily available to all employees)~~).

AMENDATORY SECTION (Amending WSR 09-15-144, filed 7/21/09, effective 9/1/09)

**WAC 296-56-60115 Other protective measures.** (1) You must meet the following requirements for protective clothing(-):

(a) Employees performing work that requires special protective clothing (~~((shall))~~) must be directed by the employer to wear the necessary special protective clothing.

(b) When necessary, protective clothing previously worn (~~((shall))~~) must be cleaned and disinfected before reissuance.

(2) You must meet the following requirements for personal flotation devices(-):

(a) (~~The employer shall~~) You must provide(~~(;)~~) and (~~((shall))~~) direct the wearing of personal flotation devices for those employees, such as line handlers, who are engaged in work in which they may be pulled into the water:

(i) When such employees are working in isolation: or

(ii) Where physical limitations of available working space creates a hazard of falling into the water; or

(iii) Where the work area is obstructed by cargo or other obstacles so as to prevent employees from obtaining safe footing for their work.

(b) Employees working on, over or along water, where the danger of drowning exists, (~~((shall))~~) must be provided with and (~~((shall))~~) must wear approved personal flotation devices.

(i) Employees are not considered exposed to the danger of drowning when:

(A) Working behind standard height and strength guard-rails;

(B) Working inside operating cabs or stations which eliminate the possibility of accidental falling into the water;

(C) Wearing approved safety belts with lifeline attached so as to preclude the possibility of falling into the water.

(ii) Prior to and after each use, personal flotation devices (~~((shall))~~) must be inspected for defects which would reduce their designed effectiveness. Defective personal flotation devices (~~((shall))~~) must not be used.

(iii) To meet the requirement of (b) of this subsection, a personal flotation device (~~((shall))~~) must be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or equivalent, pursuant to 46 C.F.R. 160 (Coast Guard Lifesaving Equipment Specifications) and 33 C.F.R. 175.23 (Coast Guard Table of Devices Equivalent to Personal Flotation Devices).

(c) You must meet the following requirements for life rings(-):

(i) Along docks, walkways or other fixed installations on or adjacent to open water more than five feet deep, approved life rings with line attached (~~((shall))~~) must be provided. The life rings (~~((shall))~~) must be spaced at intervals not to exceed two hundred feet and (~~((shall))~~) must be kept in easily visible and readily accessible locations.

(ii) When employees are assigned work at other casual locations where exposure to drowning exists, at least one approved life ring with line attached (~~((shall))~~) must be provided in the immediate vicinity of the work.

(iii) Work assigned over water where the vertical drop from an accidental fall exceeds fifty feet, is subject to specific procedures approved by the department.

(iv) Lines attached to life rings (~~((shall))~~) must be at least ninety feet (27.43 m) in length, at least one-quarter inch in diameter and have a minimum breaking strength of five hundred pounds.

(v) Life rings must be United States Coast Guard approved thirty inch size (76.2 cm).

(vi) Life rings and attached lines must be maintained to retain at least seventy-five percent of their designed buoyancy and strength.

(3) (~~Emergency facilities~~) You must provide emergency facilities and maintain them in good working order when employees are exposed to hazardous substances which may require emergency bathing, eye washing or other facilities (~~(, the employer shall provide such facilities and maintain them in good working order)~~).

(4) (~~Employers shall~~) You must instruct employees to report every injury, regardless of severity, to (~~(the employer)~~) you.

(5) You must meet the following requirements for stretchers(-):

(a) There (~~((shall))~~) must be available for each vessel being worked one Stokes basket stretcher, or its equivalent, permanently equipped with bridles for attaching to the hoisting gear.

(b) Stretchers (~~((shall))~~) must be kept close to vessels and (~~((shall))~~) must be positioned to avoid damage to the stretcher.

(c) A blanket or other suitable covering (~~((shall))~~) must be available.

(d) Stretchers ~~((shall))~~ must have at least four sets of effective patient restraints in operable condition.

(e) Lifting bridles ~~((shall))~~ must be of adequate strength, capable of lifting 1,000 pounds (454 kg) with a safety factor of five, and ~~((shall))~~ must be maintained in operable condition. Lifting bridles ~~((shall))~~ must be provided for making vertical patient lifts at container berths. Stretchers for vertical lifts ~~((shall))~~ must have foot plates.

(f) Stretchers ~~((shall))~~ must be maintained in operable condition. Struts and braces ~~((shall))~~ must be inspected for damage. Wire mesh ~~((shall))~~ must be secured and have no burrs. Damaged stretchers ~~((shall))~~ must not be used until repaired.

(g) Stretchers in permanent locations ~~((shall))~~ must be mounted to prevent damage and ~~((shall))~~ must be protected from the elements if located out-of-doors. If concealed from view, closures ~~((shall))~~ must be marked to indicate the location of the ~~((life-saving))~~ lifesaving equipment.

(6) You must make sure telephone or equivalent means of communication ~~((shall be))~~ are readily available.

(7) You must make sure employees working on any bridge or structure leading to a detached vessel berthing installation ~~((shall))~~ must wear United States Coast Guard approved personal flotation devices except where protected by railings, nets, or safety belts and lifelines.

(8) ~~((Life ladders.))~~ You must make sure on all docks there ~~((shall be))~~ are substantial built-in-place ladders, spaced at intervals not to exceed four hundred feet, to reach the lowest water use. When portable ladders are to be used, ladders may be bolted to the bullrail or dock structure, or ladders can be secured to an embedded eye bolt in a concrete dock surface. The immediate area where such ladders or fastenings are located ~~((shall))~~ must be painted with a bright color or of a color which contrasts with the surrounding area. There ~~((shall))~~ must be a ladder at each end of the dock.

AMENDATORY SECTION (Amending WSR 09-05-071, filed 2/17/09, effective 4/1/09)

**WAC 296-56-60116 Payment for protective equipment.** (1) ~~((Except as provided by subsections (2) through (6) of this section.))~~ You must provide the protective equipment, including personal protective equipment (PPE), used to comply with this part, ~~((shall be provided by the employer))~~ at no cost to your employees, except as provided by subsections (2) through (6) of this section.

(2) ~~((The employer is))~~ You are not required to pay for nonspecialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) and nonspecialty prescription safety eyewear, provided that ~~((the employer permits))~~ you permit such items to be worn off the job site.

(3) ~~((When the employer provides metatarsal guards and allows the employee, at his or her request, to use shoes or boots with built-in metatarsal protection, the employer is))~~ You are not required to reimburse the employee for ~~((the))~~ shoes or boots when you provide metatarsal guards and allow the employee, at their request, to use shoes or boots with built-in metatarsal protection.

(4) ~~((The employer is))~~ You are not required to pay for:

(a) Everyday clothing, such as long-sleeve shirts, long pants, street shoes, and normal work boots; or

(b) Ordinary clothing, skin creams, or other items, used solely for protection from the weather, such as winter coats, jackets, gloves, parkas, rubber boots, hats, raincoats, ordinary sunglasses, and sunscreen.

(5) ~~((The employer))~~ You must pay for replacement PPE, except when the employee has lost or intentionally damaged the PPE.

(6) ~~((Where an employee provides adequate protective equipment he or she owns, the employer may allow the employee to use it and is not required to reimburse the employee for that equipment. The employer shall))~~ You may allow the employee to use protective equipment that they own if it is adequate, and you are not required to reimburse the employee for that equipment. You must not require an employee to provide or pay for ((his or her)) their own PPE, unless the PPE is excepted by subsections (2) through (6) of this section.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60117 Maintenance and load limits.** (1) You must maintain the structural integrity of docks, piers, wharves, terminals and working surfaces ~~((shall be maintained)).~~

(2) You must conspicuously post maximum safe load limits, in pounds per square foot (kilograms per square meter), of floors elevated above ground level, and pier structures over the water ~~((shall be conspicuously posted))~~ in all cargo areas.

Exception: Pier structures used primarily for vehicle traffic may be posted in maximum pounds per axle weight.

(3) You must make sure maximum safe load limits ~~((shall not be))~~ are not exceeded.

(4) You must maintain all walking and working surfaces in the terminal area ~~((shall be maintained))~~ in good repair.

(5) You must secure all steel plates, boards, etc., used to temporarily cover small holes or weakened surfaces ~~((shall be secured))~~ in such a manner as to prevent movement.

(6) You must barricade all large openings or weakened surfaces ~~((shall be barricaded))~~ on all exposed sides with barricades equipped with blinkers, flashing lights, or reflectors.

(7) You must light areas around bitts or cleats where workers perform their duties ~~((shall be lighted))~~ as required in this section and have a nonslip surface around each bitt or cleat.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60119 Protection from falling.** You must make sure employees doing maintenance work on cranes, spouts or similar types of equipment, eight feet or more above the ground or surface and not in an area that is protected by any standard safeguards such as walkways with standard railings, or ladders with protective cages, ~~((shall))~~ wear a safety belt and lanyard which can be attached to the structure.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60121 Minimum safety requirements for docks and dock facilities.**

**Important:** No provision of this section shall be construed to imply that an employer or employees are responsible for repair, construction or otherwise bringing into compliance facilities over which they have no control.

(1) ~~((Working prohibited on unsafe docks or dock facilities. Employers shall))~~ You must not allow employees to perform work on docks or dock facilities which ~~((the employer))~~ you should know do not meet the minimum safety requirements of this section.

(2) ~~((Known unsafe conditions by employees.))~~ Employees ~~((shall))~~ must not work on docks or dock facilities which they should know do not meet the minimum safety requirements of this section.

(3) ~~((Bulletin boards.))~~ You must install a safety bulletin board at each dock, pier, warehouse or designated area at the job site ~~((, there shall be installed a safety bulletin board)).~~

(4) ~~((Posting of notices. It shall be the responsibility of the employer to))~~ You must post at prominent places in or adjacent to the work area, legible notices stating:

(a) The location of stretchers, blankets, first-aid equipment and telephones. (Where possible, directional arrows should point to locations.)

(b) The phone numbers of doctors, ambulance services and hospitals within the area and the phone numbers of the police department or other law enforcement agency. (Where possible these numbers ~~((shall))~~ must also be posted on or inside the cover of first-aid cabinets and kits.)

(5) ~~((Ventilation.))~~ You must ventilate all areas where employees are required to work ~~((shall be ventilated))~~ as required by the "general occupational health standards," chapter 296-62 WAC.

(6) ~~((Power outlets.))~~ You must locate power outlets installed to supply power to vessels ~~((shall be located))~~ in such a manner that the workers will not come into contact with supply lines. Unprotected power lines ~~((shall))~~ must not be driven over by equipment. If located on the underside or waterside of the bull rail, a well lighted walkway with hand rails ~~((shall))~~ must be provided to the power outlets.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60122 Access to vessels.** (1) ~~((Access to vessels. The employer shall))~~ You must not permit employees to board or leave any vessel, except a barge or river towboat, until the following requirements have been met:

(a) Whenever practical a gangway of not less than twenty inches wide walking surface of adequate strength, maintained and secured ~~((shall))~~ must be used. If a gangway is not practical a substantial straight ladder, extending at least thirty-six inches above the upper landing surface and adequately secured against shifting or slipping ~~((shall))~~ must be provided. When conditions are such that neither a gangway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of subsection (4) of this section may be used.

(b) Each side of such gangway, and the turn table if used, ~~((shall))~~ must have a railing with a minimum height of thirty-three inches measured perpendicularly from rail to walking surface at the stanchion~~((;))~~ and a mid rail. Rails ~~((shall))~~ must be of wood, pipe, chain, wire or rope and ~~((shall))~~ must be kept taut at all times.

(c) Gangways on vessels inspected and certified by the United States Coast Guard are deemed to meet the foregoing requirements, except in cases where the vessel's regular gangway is not being used.

(d) The gangway ~~((shall))~~ must be kept properly trimmed at all times.

(e) When a fixed tread accommodation ladder is used, and the angle is low enough to require employees to walk on the edge of the treads, cleated duckboards ~~((shall))~~ must be laid over and secured to the ladder.

(f) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that there is danger of employees falling between the ship and the dock, a net or other suitable protection ~~((shall))~~ must be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway into the water or into the surface.

(g) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them ~~((shall))~~ must be bridged by a firm walkway equipped with railings, with a minimum height of thirty-three inches with midrails on both sides.

(h) Supporting bridles ~~((shall))~~ must be kept clear so as to permit unobstructed passage for employees using the gangway.

(i) When the upper end of the means of access rests on or flush with the top of the bulwark, substantial steps properly secured and equipped with at least one substantial handrail approximately thirty-three inches in height ~~((shall))~~ must be provided between the top of the bulwark and the deck.

(j) Obstructions ~~((shall))~~ must not be laid on or across the gangway.

(k) The means of access ~~((shall))~~ must be illuminated for its full length.

(l) Unless construction of the vessel makes it impossible, the means of access ~~((shall))~~ must be so located that drafts of cargo do not pass over it. Loads ~~((shall))~~ must not be passed over the means of access while employees are on it.

(2) ~~((Access to vessels in drydock or between vessels.))~~ You must make sure gangways meeting the requirements of subsection (1)(a), (b), (i), (j) and (k) of this section ~~((shall be))~~ are provided for access from wingwall to vessel or, when two or more vessels other than barges or river towboats are lying abreast, from one vessel to another.

(3) You must meet the following requirements for access to barges and river towboats~~((;))~~:

(a) Ramps for access of vehicles to or between barges ~~((shall))~~ must be of adequate strength, provided with side boards, well maintained and properly secured.

(b) Unless employees can step safely to or from the wharf, float, barge, or river towboat, a ramp meeting the requirements of subsection (1)(a) of this section ~~((shall))~~ must be provided. When a walkway is impractical, a substantial straight ladder, extending at least thirty-six inches above



the upper landing surface and adequately secured against shifting or slipping, ~~((shall))~~ must be provided. When conditions are such that neither a walkway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of subsection (4) of this section may be used.

(c) The means of access ~~((shall))~~ must meet the requirements of subsection (1)(i), (j), and (k) of this section.

(4) Jacob's ladders.

(a) Jacob's ladders ~~((shall))~~ must be of the double rung or flat tread type. They ~~((shall))~~ must be well maintained and properly secured.

(b) A Jacob's ladder ~~((shall))~~ must either hang without slack from its lashings or be pulled up entirely.

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

**WAC 296-56-60123 Guarding of edges.** (1) You must meet the following requirements for vehicle protection((-):

(a) Vehicle curbs, bull rails, or other effective barriers at least six inches (15.24 cm) in height and six inches in width, ~~((shall))~~ must be provided at the waterside edges of aprons and bulkheads, except where vehicles are prohibited. Curbs or bull rails installed after January 1, 1985, ~~((shall))~~ must be at least ten inches (22.9 cm) in height.

(b) The provisions of (a) of this subsection also apply at the edge of any fixed level above the common floor area from which vehicles may fall, except at loading docks, platforms and skids where cargo is moved by vehicles.

(2) You must meet the following requirements for employee protection((-):

(a) Guardrails ~~((shall))~~ must be provided at locations where employees are exposed to falls of more than four feet from floor or wall openings or waterside edges, including bridges or gangway-like structures leading to pilings, vessel mooring or berthing installations.

(b) Guardrails are not required:

(i) At loading platforms and docks;

(ii) At waterside edges used for cargo or mooring line handling;

(iii) On the working sides of work platforms, skids, or similar workplaces which abut the work area; or

(iv) On railroad rolling stock, highway vehicles, intermodal containers, or similar equipment.

(c) Where guardrails are impractical due to machinery requirements or work processes, an alternate means of fall protection, such as nets, ~~((shall))~~ must be used.

(3) ~~((Criteria for guardrails.))~~ You must make sure guardrails ((shall)) meet the following criteria:

(a) ~~((They shall))~~ Guardrails must be capable of withstanding a force of at least two hundred pounds (890 N) applied in any direction at mid-span of the top rail (when used), or at the uppermost point if there is no guard rail.

(b) If not of solid baluster, grillwork, slatted, or similar construction, guardrails ~~((shall))~~ must consist of top rails and midrails. Midrails, when used, ~~((shall))~~ must be positioned at approximately half the height of the top rail.

(c) The top surface of guardrails installed before October 3, 1983, ~~((shall))~~ must be at least thirty-six inches (.091 m) high. Those installed after October 3, 1983, ~~((shall))~~ must be

forty-two inches (1.07 m) high, plus or minus two inches (5.1 cm), high.

(d) Any nonrigid railing such as chain or wire rope ~~((shall))~~ must have a maximum sag, at the mid-point between posts, of not more than six inches (15.24 cm).

(e) Top rails ~~((shall))~~ must be free of sharp edges and maintained in good repair.

(f) Rail ends ~~((shall))~~ must not overhang. This does not prohibit scrollwork, boxed ends or similar nonhazardous projections.

(4) ~~((Toeboards.))~~ You must provide toeboards ((shall be provided)) when employees below could be exposed to falling objects such as tools. Toeboards ~~((shall))~~ must be at least three and one-half inches (8.9 cm) in height from top edge to floor level, and be capable of withstanding a force of fifty pounds (222 N) applied in any direction. Drainage clearance not in excess of one-eighth inch under toeboards is permitted.

(5) ~~((Stair railings.))~~ Stair railings ~~((shall))~~ must be capable of withstanding a force of at least two hundred pounds (890 N) applied in any direction, and ~~((shall))~~ must not be more than thirty-six inches (0.91 m) nor less than thirty-two inches (0.81 m) in height from the upper top rail surface to the tread surface in line with the leading edge of the tread. Railings and midrails ~~((shall))~~ must be provided at any stairway having four or more risers, as follows:

(a) For stairways less than forty-four inches (1.12 m) wide, at least one railing; and

(b) For stairways more than forty-four inches (1.12 m) but less than eighty-eight inches (2.24 m) wide, a stair rail or handrail on each side, and if eighty-eight or more inches wide, an additional intermediate handrail.

(6) ~~((Condition. Railings shall be maintained free of sharp edges and in good repair.))~~ You must maintain railings in good repair and free of sharp edges.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60125 Clearance heights.** You must prominently post clearance heights ((shall be prominently posted)) where the height is insufficient for vehicles or equipment.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60127 Cargo doors.** (1) You must meet the following requirements for mechanically operated cargo doors((-):

(a) You must guard cargo door counterweights ((shall be guarded)).

(b) Lift trucks and cranes ~~((shall))~~ must not be used to move mechanically operated doors except when necessary during repair to the doors. Ropes or other guarding ~~((shall))~~ must be provided to prevent entry into any area if the door may fall or slide.

(c) Vertically operated doors partially opened for work or ventilation ~~((shall))~~ must be secured to prevent accidental closing.

(2) You must meet the following requirements for tackle operated cargo doors((-):

(a) ~~((Doors shall be connected))~~ You must connect doors to their lifting tackle with shackles or other secure means.

(b) Lifting bridles and tackles ~~((shall))~~ must have a safety factor of five, based upon maximum anticipated static loading conditions.

(c) Devices ~~((shall))~~ must be provided to hold overhead doors in the open position and to secure them when closed.

(d) Lifting gear and hardware ~~((shall))~~ must be maintained in safe condition.

(e) Lifting ropes ~~((shall))~~ must be placed out of the work area and off the floor.

(3) You must meet the following requirements for horizontal sliding(-):

(a) Horizontal sliding door rollers ~~((shall))~~ must be constructed to prevent the door from disengaging from overhead tracks.

(b) Sliding doors ~~((shall))~~ must be secured to prevent them from swinging.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60129 Platforms and skids.** (1) You must provide guardrails meeting the requirements of WAC 296-56-60123(3) on all open sides of platforms and skids extending from piers, transit sheds or lofts and used for landing or hooking drafts ~~((shall be provided with guardrails meeting the requirements of WAC 296-56-60123(3) on all open sides))~~. Alternate means, such as nets or safety belts and lifelines, may be used if guardrails are impractical.

(2) You must protect any employee working below a second-story platform or skid ~~((shall be protected))~~ from falling objects.

(3) You must make sure platforms and skids ~~((shall be))~~ are strong enough to bear the loads handled and ~~((shall be))~~ are maintained in safe condition. Safe working loads, which ~~((shall))~~ must be posted or marked on or adjacent to platforms and skids, ~~((shall))~~ must have a minimum safety factor of five for all parts, based upon maximum anticipated static loading conditions and the ultimate strength of the construction material.

(4) ~~((The employer shall))~~ You must provide and maintain platform and skid attachments that will prevent accidental movement of the skid or platform.

AMENDATORY SECTION (Amending WSR 92-22-067, filed 10/30/92, effective 12/8/92)

**WAC 296-56-60131 Elevators and escalators.** (1) ~~(("Elevator" means a permanent hoisting and lowering mechanism with a car or platform moving vertically in guides and serving two or more floors of a structure. The term excludes such devices as conveyors, tiering or piling machines, material hoists, skip or furnace hoists, wharf ramps, lift bridges, ear lifts, and dumpers.~~

~~((2) "Escalator" means a power-driven continuous moving stairway principally intended for the use of persons.~~

~~((3) No))~~ You must prohibit an elevator or escalator with a defect which affects safety ~~((shall be))~~ from being used.

~~((4))~~ (2) You must make sure elevator safety devices shall not be overridden or made inoperable.

~~((5))~~ (3) You must thoroughly inspect elevators and escalators ~~((shall be thoroughly inspected))~~ at intervals not exceeding one year. Additional monthly inspections for satisfactory operation ~~((shall))~~ must be conducted by designated persons. Records of the results of the latest annual elevator inspections ~~((shall))~~ must be posted in elevators. Records of annual escalator inspections ~~((shall))~~ must be posted in the vicinity of the escalator or be available at the terminal.

~~((6))~~ (4) You must make sure elevator landing openings ~~((shall be))~~ are provided with doors, gates, or equivalent protection, which ~~((shall))~~ must be in place when the elevator is not at that landing, to prevent employees from falling into the shaft.

~~((7))~~ (5) You must post and make sure the elevator or escalator maximum load limits ~~((shall be posted and shall not be))~~ are not exceeded. Elevator load limits ~~((shall))~~ must be posted conspicuously both inside and outside of the car.

~~((8))~~ (6) You must make sure elevators ~~((shall be))~~ are operated only by designated persons except for automatic or door interlocking elevators which provide full shaft door closing and automatic car leveling.

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

**WAC 296-56-60133 Manlifts.** (1) ~~((Inspection))~~ You must inspect manlifts ~~((shall be inspected))~~ monthly by a designated person. Safety switches ~~((shall))~~ must be checked weekly. Manlifts found to be unsafe ~~((shall))~~ must not be operated until repaired. Inspections ~~((shall))~~ must include at least the following:

- (a) Step fastenings;
- (b) Rails;
- (c) Rail supports and fastenings;
- (d) Roller and slides;
- (e) Belt and belt tension;
- (f) Handholds and fastenings;
- (g) Floor landings;
- (h) Guardrails;
- (i) Lubrication;
- (j) Safety switches;
- (k) Warning signs and lights;
- (l) Illumination;
- (m) Drive pulley;
- (n) Bottom (boot) pulley and clearance;
- (o) Pulley supports;
- (p) Motor;
- (q) Drive mechanism;
- (r) Brake;
- (s) Electrical switches;
- (t) Vibration and misalignment;
- (u) "Skip" on up or down run when mounting the step (indicating worn gears); and
- (v) Emergency exit ladders.

(2) ~~((Inspection records))~~ You must keep inspection records ~~((shall be kept))~~ for at least one year. The record of the most recent inspection ~~((shall))~~ must be posted in the vicinity of the manlift or in the terminal.

(3) ~~((Emergency stop.))~~ You must make sure an emergency stop device ~~((shall be))~~ is available within easy reach from any position on the belt.

(4) ~~((Instructions.))~~ You must conspicuously post manlift use instructions ~~((shall be conspicuously posted)).~~

(5) ~~((Top floor warning sign and light.))~~ You must provide an illuminated sign and red light that are visible to the user ~~((shall be provided))~~ under the top floor opening of the manlift to warn the user to get off at that floor.

(6) ~~((Bottom floor warning sign.))~~ You must provide a sign visible to descending passengers ~~((shall be provided))~~ to warn them to get off at the bottom floor.

(7) ~~((Upper limit stop.))~~ You must provide an automatic stop device ~~((shall be provided))~~ to stop the manlift when a loaded step passes the top landing, except that manlifts installed after October 3, 1983, ~~((shall))~~ must have two such devices.

(8) ~~((Handholds and steps.))~~ You must provide each step ~~((shall be provided))~~ with a corresponding handhold.

(9) ~~((Emergency ladder.))~~ You must provide a fixed emergency ladder accessible from any position on the lift and meeting the requirements of WAC 296-56-60209 ~~((shall be provided))~~ for the entire run of the manlift.

(10) You must meet the following requirements for landings~~((:))~~:

(a) Clear and unobstructed landing spaces ~~((shall))~~ must be provided at each level. Manlifts constructed after October 3, 1983, that have a distance of fifty feet (15.24 m) or more between floor landings ~~((shall))~~ must have an emergency landing every twenty-five feet (7.62 m) or less of manlift travel.

(b) Open sides of emergency landings ~~((shall))~~ must be protected by guardrails.

(c) Floor landing entrances and exits ~~((shall))~~ must be guarded by mazes, self-closing gates, or equivalent protection.

(d) Landings ~~((shall))~~ must be of sufficient size and strength to support two hundred fifty pounds (1112 N).

(11) ~~((Floor opening guards.))~~ You must provide the ascending sides of manlift floor openings ~~((shall be provided))~~ with cones or bevel guards to direct the user through the openings.

(12) ~~((Maintenance.))~~ You must equip, maintain, and use manlifts ~~((shall be equipped, maintained, and used))~~ in accordance with the manufacturer's specifications, which ~~((shall))~~ must be available at the terminal.

(13) You must meet the following requirements for bottom pulleys~~((:))~~:

(a) The lower pulley ~~((shall))~~ must be supported by the lowest landing.

(b) Sides of the bottom pulley support ~~((shall))~~ must be guarded to prevent contact with the pulley or the steps.

(14) ~~((Top clearance.))~~ You must provide a clearance of at least eleven feet (3.35 m) ~~((shall be provided))~~ between the top landing and the ceiling.

(15) ~~((Brakes.))~~ You must equip manlifts ~~((shall be equipped))~~ with brakes that are:

- (a) Self-engaging;
- (b) Electrically released; and

(c) Capable of stopping and holding the manlift when the descending side is loaded with the maximum rated load.

~~((PART II MANLIFTS ELECTRIC))~~

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60135 Manlifts—Electric.**

**Summary**

This section applies to all electric manlifts in your workplace.

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Manlifts—Electric</u>	<u>WAC 296-56-60135</u>
<u>Hoistway enclosures and landings</u>	<u>WAC 296-56-60139</u>
<u>Scope and application</u>	<u>WAC 296-56-60141</u>
<u>Hoistway gates</u>	<u>WAC 296-56-60143</u>
<u>Elevator car</u>	<u>WAC 296-56-60145</u>
<u>Elevator doors</u>	<u>WAC 296-56-60147</u>
<u>Counterweight, enclosures, and fastenings</u>	<u>WAC 296-56-60149</u>
<u>Guide rails</u>	<u>WAC 296-56-60151</u>
<u>Hoisting ropes</u>	<u>WAC 296-56-60153</u>
<u>Space under hoistway</u>	<u>WAC 296-56-60155</u>
<u>Car safeties</u>	<u>WAC 296-56-60157</u>
<u>Brakes</u>	<u>WAC 296-56-60159</u>
<u>Car controls and safety devices</u>	<u>WAC 296-56-60161</u>
<u>Hoisting machine mechanisms</u>	<u>WAC 296-56-60167</u>
<u>Elevator car and counterweight buffers</u>	<u>WAC 296-56-60169</u>
<u>General requirements</u>	<u>WAC 296-56-60171</u>

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60139 Hoistway enclosures and landings.** You must fully enclose hoistways ~~((shall be fully enclosed,))~~ or make sure they are enclosed on all landings to a height of six feet above the landing floor or six feet above highest working level or stair level adjacent to the hoistway. Perforated hoistway enclosures can be used where fire resistance is not required, provided:

- (1) Steel wire grill or expanded metal grill ~~((shall))~~ must be at least thirteen U.S. gauge steel wire.
- (2) Openings in the enclosure ~~((shall))~~ must reject a one inch steel ball.
- (3) All hoistway landings ~~((shall))~~ must be properly and adequately lighted.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60143 Hoistway gates.** (1) You may construct hoistway gates (~~((may be constructed))~~) of wood slat, steel wire grill, expanded metal or solid material, providing all openings reject a two inch ball and resist a two hundred fifty pound horizontal thrust.

(a) Steel wire and expanded metal gates (~~((shall))~~) must be of at least thirteen gauge steel.

(b) Wood slats must be not less than two inches wide and one-half inch thick, nominal size.

(c) Solid material (~~((shall))~~) must be not less than one-eighth inch reinforced sheet steel or one-half inch plywood.

(2) You may have hoistway gates (~~((may))~~) be horizontal swinging, vertical or horizontal sliding or biparting gates.

(a) Hoistway gates (~~((shall))~~) must extend the full width of the elevator car and from one inch above the landing floor to six feet or more above the floor.

(b) Horizontal swinging gates (~~((shall))~~) must be prevented from swinging into hoistway.

(3) You must equip gates (~~((shall be equipped))~~) with interlocks or mechanical locks and electric contacts designed so that hoistway gates cannot be opened when the car is away from the landing.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60145 Elevator car.** (1) You must fully enclose elevator cars (~~((shall be fully enclosed))~~) to car height or to a height of not less than six feet six inches whichever is greater. Elevator cars may be of perforated or solid material provided the material will withstand a horizontal thrust of seventy-five pounds without deflecting one-quarter inch and all openings will reject a one inch ball.

(a) Car frames (~~((shall))~~) must be of substantial metal or wood construction with a safety factor of four for metal frames and six for wood frames.

(b) Wood frames (~~((shall))~~) must be gusseted and bolted or otherwise secured with large washers and lock washers.

(c) The car platform (~~((shall))~~) must not exceed thirty inches inside dimension on each side (6.25 square foot area).

(2) Every car (~~((shall))~~) must have a substantial protective top. The front half may be hinged. The protective top may be made from number nine U.S. wire gauge screen, eleven gauge expanded metal, fourteen gauge sheet steel, or three-quarter inch or heavier plywood. If made of wire screen or metal, the openings shall reject a one-half inch diameter ball.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60147 Elevator doors.** You must provide elevator car doors (~~((shall be provided))~~) on all elevators, except on fully enclosed hoistways equipped with hoistway gates and enclosed from the top of the hoistway opening to the ceiling on the landing side.

(1) Car doors may be of solid or perforated construction and (~~((shall))~~) must be capable of resisting a seventy-five pound thrust without deflecting one-quarter inch.

(2) Car doors may be biparting or otherwise horizontally swung provided the door swings within the elevator car.

(3) A positive locking latch device which resists a two hundred fifty pound thrust (~~((shall))~~) must be provided.

(4) Interlocks or mechanical locks and electric contacts must be provided on cars operating in open hoistways.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

**WAC 296-56-60149 Counterweight, enclosures, and fastenings.** You must fully enclose all counterweights (~~((shall be fully enclosed))~~) for their full length of travel except in closed hoistways where counterweight guide rails have been provided.

(1) Counterweight enclosures (~~((shall))~~) must provide an inspection opening in the bottom of the enclosure large enough to provide for the inspection of cable fastenings, counterweight and buffer. Counterweights of rectangular shape (~~((shall))~~) must be secured by not less than two one-half inch mild steel bolts with locknuts. Round counterweights (~~((shall))~~) must be fastened with a center bolt not less than three-quarter inch diameter and secured with a locknut.

(2) Bolt eyes (~~((shall))~~) must be welded closed.

(3) Cable fastenings (~~((shall))~~) must be not less than three U-shaped clamps with U's on the dead side of the rope or babbitted tapered elevator sockets.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60151 Guide rails.** You must provide a minimum of two car guide rails (~~((shall be provided))~~). They (~~((shall))~~) must:

(1) Extend at least six inches beyond the maximum travel of the car with buffers compressed.

(2) Be securely fastened to a vertical supporting member for the full length of elevator travel.

(3) Be not less than one and one-half inch by one and one-half inch vertical grain fir or equivalent, one-quarter inch by two inch by two inch angle iron or equivalent.

(4) Not vary more than three-sixteenths inch thickness on brake surfaces for wood guide rails.

(5) Be secured to resist more than one-half inch total deflection on car safety application and resist a two hundred fifty pound horizontal thrust.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60153 Hoisting ropes.** You must make sure hoisting ropes (~~((shall be))~~) are of good grade elevator traction wire rope and (~~((shall))~~) must:

(1) Be at least two ropes of not less than three-eighths inch diameter providing a safety factor of five.

(2) Be fastened by at least three U-type cable clamps with the U on the dead return end of the rope or by approved elevator sockets of the babbitted type.

(3) Be of such length that the car platform will not be more than six inches above the top landing when the counterweight buffer is fully compressed. The counterweight

((shall)) must be six inches or more away from the counter-balance sheave when the car buffer is fully compressed.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60155 Space under hoistway.** You must make sure there ((shall be)) is no habitable space below the elevator hoistway and counterweight shaft unless the floor is designed to withstand an impact one hundred twenty-five percent greater than the impact generated by a free fall of either the car or counterweight from the full height of the hoistway.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60157 Car safeties.** You must equip all cars suspended or operated from overhead machinery ((shall be equipped)) with an approved car safety capable of stopping and holding the car with rated load.

(1) Car safeties ((shall)) must operate mechanically and be independent of interruption of any electrical circuit.

(2) Car safeties and governor controlled safeties ((shall)) must automatically operate and the control circuit ((shall)) must be broken in the event of cable breakage.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60159 Brakes.** You must equip all elevators ((shall be equipped)) with brakes designed to engage mechanically and release electrically.

(1) Brakes ((shall)) must be located on the final drive of all elevator machines.

(2) The brake actuating circuit ((shall)) must be so designed that interruption of power by slack cable switch, control switch, and limit switches actuate the brake.

(3) The brakes ((shall)) must actuate under short circuit, phase failure, or reverse phase conditions.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60161 Car controls and safety devices.** (1) You must make sure car controls ((may be)) are of automatic pushbutton, constant pressure pushbutton or momentary pushbutton types. Hand rope and car switch controls ((shall)) must not be used.

(2) You must install manually operated emergency stop switches ((shall be installed)) in all cars not equipped with constant pressure pushbutton controls. The switch ((shall)) must be clearly marked "emergency stop."

(3) You must make sure terminal limiting devices ((shall)) operate independently of the car controls and automatically stop the car at the top and bottom terminal landings.

(4) You must equip all winding drum machine type elevators ((shall be equipped)) with top and bottom final limit switches.

(5) You must require a slack rope device of manual reset design ((shall be required)) on all winding drum type

machines. The device ((shall)) must be designed to deenergize the circuit to the drive motor and brake.

(6) You must equip all installations ((shall be equipped)) with an overspeed governor. This governor ((shall)) must be set not to exceed one hundred seventy-five feet per minute and ((shall)) must be designed to ((de-energize)) deenergize the brake control and motor drive circuits simultaneously with the activation of the car safety mechanism. Car speeds for these types of installations ((shall)) must not exceed a speed of one hundred twenty-five feet per minute.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60167 Hoisting machine mechanisms.** (1) You must make sure elevator machines ((shall be)) are driven by approved type units.

(a) On direct drive or approved worm gear driven type, a mechanically actuated, electrically released brake ((shall)) must be installed on the driving unit.

(b) On V belt driven types, a minimum of four belts, one-half inch minimum size, ((shall)) must be used to transmit power from the motor to the drive shaft and a mechanically actuated, electrically released brake ((shall)) must be installed on the final drive shaft.

(2) You must install elevator machines on the top side of their supporting structure, wherever practical ((elevator machines shall be installed on the top side of their supporting structure)).

(3) You must make sure all components of the driving mechanism and parts subject to stress involved in suspending the load or related equipment ((shall be)) are designed to withstand eight times the total weight to be suspended, including load, counterweight, car and cables.

(4) You must make sure gears ((shall be)) are made of steel or equivalent material. Cast iron gears are prohibited.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60169 Elevator car and counterweight buffers.** (1) You must provide elevator cars ((shall be provided)) with adequate car buffers.

(2) You must provide all elevators using a counterweight ((shall be provided)) with adequate counterweight buffers.

AMENDATORY SECTION (Amending WSR 01-17-033, filed 8/8/01, effective 9/1/01)

**WAC 296-56-60171 General requirements.** (1) You must provide adequate lighting ((shall be provided)) at each landing and in the shaftway.

(2) You must conspicuously post a sign within the car bearing the following information ((shall be conspicuously posted within the car)):

- (a) Maximum capacity one person;
- (b) Total load limit in pounds;
- (c) For authorized personnel use only.

(3) You must make a fire extinguisher in proper working condition ((shall be)) available in the car.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

~~((PART I MANLIFTS HAND POWER))~~

NEW SECTION

**WAC 296-56-60179 Manlifts—Hand power.**

**Summary**

This section applies to the installation, design, and use of all one-man capacity, hand power counterweighted elevators subject to inspection under RCW 49.17.120.

**Your responsibility:** To protect workers from hazards associated with hand power manlifts in your workplace.

You must meet the requirements...	in this section:
Scope and application	WAC 296-56-60180
Hoistway landings	WAC 296-56-60183
Hoistway clearances	WAC 296-56-60185
Habitable space under hoistways	WAC 296-56-60187
Hoistway guide rails	WAC 296-56-60189
Buffer springs and over-travel of car	WAC 296-56-60191
Car specifications	WAC 296-56-60193
Counterweights	WAC 296-56-60195
Sheaves	WAC 296-56-60197
Hoisting ropes	WAC 296-56-60199
Operating rope	WAC 296-56-60201
Lighting	WAC 296-56-60203
Overhead supports	WAC 296-56-60205
General requirements	WAC 296-56-60207

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60183 Hoistway landings.** (1) You must protect every hoistway landing (~~((shall be protected))~~) on all sides other than the landing opening side with a standard guard rail and intermediate guard rail. All landings except the bottom landing (~~((shall))~~) must have a toe board installed on all sides except the landing opening side.

(2) You must make sure all hoistway entrances (~~((shall be))~~) are not less than six feet six inches in height and in no case shall the width exceed the corresponding car dimensions.

(3) You must provide all hoistway entrances (~~((must be provided))~~) with an approved maze or with a hoistway gate which (~~((shall))~~) must:

- (a) Be at least thirty-six inches in height.
- (b) Extend downward to within one inch of the landing sill.

(c) Be of the self-closing type, designed to swing horizontally out from the hoistway and closing against a full jam stop.

(d) Be located within four inches of the hoistway edge of the landing sill.

(e) Have a "DANGER" sign conspicuously posted on the landing side of the hoistway gate.

(f) Withstand a two hundred fifty pound horizontal thrust.

(4) You must make sure all projections extending inwardly from the hoistway enclosure at the entrance side of the car platform (~~((shall be))~~) are bevelled and substantially guarded on the underside by smooth solid material set at an angle of not less than sixty degrees, nor more than seventy-five degrees from the horizontal when cars are not equipped with gates.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

**WAC 296-56-60185 Hoistway clearances.** (1) You must make sure the minimum clearance between the side of the car and a hoistway enclosure (~~((shall be))~~) is one inch.

(2) You must make sure the clearance between the car platform and the landing sill (~~((shall))~~) is not (~~((be))~~) less than one-half inch and not more than one and one-half inches.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

**WAC 296-56-60187 Habitable space under hoistways.** You must make sure there (~~((shall be))~~) is no habitable space below the elevator hoistway or counterweight shaft unless the floor is supported to withstand any impact caused by the car or counterweight dropping freely onto the floor.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60189 Hoistway guide rails.** (1) You must make sure there (~~((shall be))~~) are a minimum of two opposing guide rails extending to a point six inches beyond the full height of travel of the car when the counterweight buffer is fully compressed.

(2) You must make sure all rails (~~((shall be))~~) are attached by bolts, lag screws or other approved methods to a vertical supporting member which (~~((shall))~~) does not exceed one-half inch deflection with the application of a two hundred fifty pound horizontal thrust at any point.

(3) You must make sure wood guide rails (~~((shall be))~~) are at least one and one-half inch by one and one-half inch vertical grain fir or equivalent and (~~((shall))~~) must not vary more than three-sixteenth inch in thickness on the sides which the brakes contact. All joints (~~((shall))~~) must be kept smooth and even.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60191 Buffer springs and overtravel of car.** You must install substantial spring buffers (~~((shall be))~~)

installed)) below the car and also below the counterweight. The hoisting rope ((shall)) must be of such length that the car platform will not be more than eight inches above the top landing when the counterweight buffer spring is fully compressed.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60193 Car specifications.** (1) You must make sure the car shall be built to the following specifications:

(a) The car platform ((shall be)) is not greater than thirty inches on either side (6.25 square feet area).

(b) The car frame and platform ((shall)) must be of steel or sound seasoned wood construction and be designed with a safety factor of not less than four for metal and six for wood, based on a maximum capacity of two hundred fifty pounds.

(c) All frame members ((shall)) must be securely bolted, riveted or welded and braced. If bolted, lock washers or lock nuts ((shall)) must be used.

(d) Where wooden frame members are bolted, large washers or metal plates ((shall)) must be used to minimize the possibility of splitting or cracking the wood.

(2) You must enclose the sides of the car ((shall be enclosed)) by a minimum of two safety guard rails with the top rail not less than thirty-six inches nor more than forty-two inches from the car floor. Rails ((shall)) must sustain a horizontal thrust of two hundred fifty pounds. If solid material is used it ((shall)) must be smooth surfaced and not less than one-half inch thickness, if wood; not less than sixteen gauge thickness, if steel; and ((shall)) must be constructed from the car floor to a height of not less than three feet.

(a) Where the hoistway is not enclosed on the entrance side of the car, a self-locking or drop bar gate must be provided. The car gate may be of the folding type, horizontally swung, provided it swings into the car enclosure. Drop bar gates must be of two bar construction, parallelogram type, and conform to requirements specified for car guard rails.

(b) The car gate ((shall)) must drop into locking slots or be provided with a positive locking type latch capable of withstanding two hundred fifty pounds horizontal thrust.

(3) You must make sure every car ((shall have)) has a substantial protective top. The front half may be hinged. The protective top may be made from number nine U.S. wire gauge screen, eleven gauge expanded metal, fourteen gauge sheet steel, three-quarter inch or heavier plywood. If made of wire screen or metal, the openings ((shall)) must reject a one-half inch diameter ball.

(4) You must make sure every car ((shall have)) has a proper rack to hold the balance weights.

(5) You must conspicuously post a sign within the car bearing the following information ((shall be conspicuously posted within the car)):

(a) Maximum capacity one person;

(b) Total load limit in pounds;

(c) For authorized personnel use only.

(6) You must equip every car ((shall be equipped)) with a spring loaded foot brake which:

(a) Operates independently of the car safeties;

(b) Operates in both directions and will stop and hold the car and its load;

(c) Locks the car in its position automatically whenever the operator releases the pressure on the foot pedal.

(7) You must equip every car ((shall be equipped)) with a car safety device which:

(a) Applies to the sides of the main guide rails;

(b) Stops and holds the car and its load immediately when the hoisting rope breaks.

(8) You must make sure every car ((shall have)) has a minimum clearance of six feet six inches from the top of the car platform to the bottom edge of the crosshead or any other obstruction.

(9) You must provide and firmly attach a tool box with minimum dimensions of four inches wide by sixteen inches long by three inches in depth ((shall be provided and firmly attached)) to the car structure.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60195 Counterweights.** (1) You must make sure the assembly of sectional counterweights ((shall)) conforms to the following requirements:

(a) Rectangular counterweights ((shall)) must be held together by at least two tie rods one-half inch in diameter fastened with lock washers and double nuts or other approved means.

(b) One three-quarter inch rod may be used to hold the sections of a round counterweight together. Any additional sections or weights ((shall)) must be secured by an approved means.

(2) You must make sure the eye bolt for the rope hitch ((shall be)) is attached to the counterweight in a manner that will prevent the eye bolt from coming loose. The eye of eye bolts ((shall)) must be welded to prevent it from opening.

(3) You must enclose every counterweight runway ((shall be enclosed)) with substantial unperforated material for its full distance of travel. Inspection openings ((shall)) must be provided at either the top or bottom of the counterweight runway. These openings ((shall)) must be substantially covered at all times except when actually being used for inspection of counterweight fastenings.

(4) You must make sure workmen ((shall)) load the counterweight for the proper balance of the heaviest person using the elevator and others ((shall)) must use compensating weights, which ((shall)) must be available, to maintain a balance.

(5) You must install a compensating chain or cable on elevators with travel of seventy-five feet or more ((-a compensating chain or cable shall be installed)) to maintain the proper balance of the counterweight to the car and load in all positions.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

**WAC 296-56-60197 Sheaves.** You must make sure the minimum sheave diameter ((shall be)) is forty times the diameter of the ropes used, i.e., fifteen inch for three-eighths inch rope.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60199 Hoisting ropes.** (1) You must make sure hoisting rope (~~shall be~~) is of good grade traction elevator wire rope, and (~~shall~~) must:

- (a) Be not less than three-eighths inches in diameter.
- (b) Provide a safety factor of five based on the maximum weight supported.
- (c) Be of sufficient length to prevent the counterweight from striking the overhead structure when car is at bottom, and prevent the car from striking the overhead before the counterweight is at its lower limit of travel.
- (d) Be fastened at each end by at least three or more clamps, with the "U" of the clamp bearing on the dead end of the rope.
- (e) Where passed around a metal or other object less than three times the diameter of the cable, have a thimble of the correct size inserted in the eye.

(2) You may use approved sockets or fittings with the wire properly turned back and babbitted (~~may be used~~) in place of clamps noted in subsection (1)(d) of this section.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60201 Operating rope.** You must make sure the operating rope (~~shall be~~) is of soft hemp or cotton at least three-quarter inch in diameter. It (~~shall~~) must be securely fastened at each end and (~~shall~~) must be in proper vertical alignment to prevent bending or cutting where it passes through the openings in the platform or the protective top of the car.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

**WAC 296-56-60203 Lighting.** You must provide adequate lighting (~~shall be provided~~) at each landing and in the shaftway.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60205 Overhead supports.** You must make sure the overhead supporting members (~~shall be~~) are designed, based upon impact loads, with a safety factor of:

- (1) Nine if wood;
- (2) Five if steel.

AMENDATORY SECTION (Amending WSR 01-17-033, filed 8/8/01, effective 9/1/01)

**WAC 296-56-60207 General requirements.** (1) (~~No person~~) You must prohibit any person other than an employee or duly authorized person (~~shall ride or be permitted to ride~~) from riding in the car.

(2) You must install escape ladders (~~shall be installed~~) extending the full length of the hoistway and (~~shall~~) must be located in a position so that, in an emergency, a person can safely transfer from the car platform to the ladder. An

"IMPAIRED CLEARANCE" sign (~~shall~~) must be posted at the bottom of a ladder when the face of the ladder is less than thirty inches from any structure.

(3) You must install an automatic safety dog or device which will prevent the car from leaving the landing until manually released by the operator (~~shall be installed at the bottom landing~~).

(4) You must make available a fire extinguisher in proper working condition (~~shall be available~~) in the car.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

~~(PART J — LADDERS, STAIRWAYS OPENINGS, SANITATION, SIGNS, ETC.))~~

NEW SECTION

**WAC 296-56-60208 Ladders, stairway openings, sanitation, signs, etc.**

**Summary**

This section applies to all ladders, stairway openings, sanitation, and signs in your workplace.

**Your responsibility:** To protect employees from hazards in your workplace.

<b>You must meet the requirements...</b>	<b>in this section:</b>
Fixed ladders	WAC 296-56-60209
Portable ladders	WAC 296-56-60211
Jacob's ladders	WAC 296-56-60213
Fixed stairways	WAC 296-56-60215
Spiral stairways	WAC 296-56-60217
Employee exits	WAC 296-56-60219
Illumination	WAC 296-56-60221
Passage between levels and across openings	WAC 296-56-60223
Guarding temporary hazards	WAC 296-56-60225
River banks	WAC 296-56-60227
Sanitation	WAC 296-56-60229
Signs and marking	WAC 296-56-60231

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

**WAC 296-56-60209 Fixed ladders.** (1) (~~Scope~~) This section applies to all fixed ladders except:

- (a) Ladders forming an integral part of railway cars, highway carriers, cargo containers, or other transportation carrier equipment;
- (b) Climbing devices such as step bolts or structural members of tanks and towers;
- (c) Ladders built into or vertically attached to tubular scaffold framing; and



(d) Ladders used only for firefighting or emergency purposes are exempt from the provisions of subsection (5) of this section. All other requirements of this section apply.

(2) ~~(Definitions.~~

~~(a) "Cage" (basket guard) means a barrier enclosing or nearly enclosing a ladder's climbing space and fastened to one or both of the ladder's side rails or to another structure.~~

~~(b) "Fixed ladder" means a ladder, including individual rung ladders, permanently attached to a structure, building, or piece of equipment.~~

~~(c) "Ladder safety device" means a support system limiting an employee's drop or fall from the ladder, and which may incorporate friction brakes, lifelines and lanyards, or sliding attachments.~~

~~(d) "Well" means a permanent complete enclosure around a fixed ladder, which is attached to the walls of the well.~~

~~(3)) You must meet the following requirements for ladders with defects.~~

(a) Ladders with broken, split, or missing rungs, steps or rails, broken welds or connections, corrosion or wastage, or other defect which may affect safe use ~~((shall))~~ must be removed from service.

(b) Ladder repairs ~~((shall))~~ must provide strength at least equivalent to that of the original ladder.

~~((4)) (3) You must meet the following requirements for ladder specifications(-):~~

~~((i))~~ (a) ~~((i))~~ Ladders installed before October 3, 1983, ~~((shall))~~ must be capable of withstanding without damage a minimum concentrated load, applied uniformly over a three and one-half inch (8.9 cm) width at the rung center, of two hundred pounds (890 N).

~~((ii))~~ (b) Ladders installed after October 3, 1983, ~~((shall))~~ must be capable of withstanding two hundred fifty pounds (1112 N) applied as described in (a)~~((i))~~ of this subsection. If used by more than one employee simultaneously, the ladder as a unit ~~((shall))~~ must be capable of simultaneous additional loading in two hundred fifty pound (1112 N) increments for each additional employee, applied to a corresponding number of rungs. The unit ~~((shall))~~ must have a safety factor of four based on ultimate strength, in the designed service.

~~((b)(i))~~ (c) Ladders installed before October 3, 1983, ~~((shall))~~ must have rungs evenly spaced from nine to sixteen and one-half inches (22.9 to 41.9 cm) apart, center to center.

~~((i))~~ (d) Ladders installed after October 3, 1983, ~~((shall))~~ must have rungs evenly spaced twelve inches apart, plus or minus two inches (30.5 cm, plus or minus 5.08 cm), center to center.

~~((e)(i))~~ (e) Ladders installed before October 3, 1983, ~~((shall))~~ must have a width between side rails of at least ten inches (25.4 cm).

~~((i))~~ (f) Ladders installed after October 3, 1983, ~~((shall))~~ must have a width between side rails of at least twelve inches (30.48 cm).

~~((d))~~ (g) The minimum distance between the rung center line and the nearest permanent object behind the rung ~~((shall))~~ must be four inches (10.16 cm), except that in ladders installed after October 3, 1983, the minimum distance ~~((shall))~~ must be seven inches (17.78 cm) unless physical

limitations make a lesser distance, not less than four and one-half inches (11.43 cm), necessary.

~~((e))~~ (h) When a ladder passes through an opening or past overhead obstructions, a minimum twenty-four inch (.61 m) clearance ~~((shall))~~ must exist between the climbing side and any obstruction. Where this distance is less than thirty inches (0.76 m), a deflection device ~~((shall))~~ must be installed for guidance through the opening.

~~((f))~~ (i) The side rails of ladders ~~((shall))~~ must extend at least thirty-six inches (0.91 m) above the top landing surface, unless grab bars or equivalent holds are provided.

~~((g))~~ (j) Ladders whose pitch exceeds ninety degrees to the horizontal (slanting backward on the climbing side) ~~((shall))~~ must not be used.

~~((5) Protection)) (4) You must meet the following requirements to protect against falls(-):~~

(a) Fixed ladders more than twenty feet (6.1 m) in height ~~((shall))~~ must be provided with a cage, well, or ladder safety device.

(b) When a well or cage is used, ladders with length of climb exceeding thirty feet (9.14 m) ~~((shall))~~ must comply with the following provisions:

(i) The ladder ~~((shall))~~ must consist of multiple sections not exceeding thirty feet (9.14 m) each;

(ii) Each section ~~((shall))~~ must be horizontally offset from adjacent sections, except as specified in (b)(iv) of this subsection; ~~((and))~~

(iii) A landing platform capable of supporting a load of one hundred pounds per square foot (4.79 kPa) and fitted with guardrails complying with WAC 296-56-60123(3) ~~((shall))~~ must be provided at least every thirty feet (9.14 m), except as specified in (b)(iv) of this subsection; and

(iv) For ladders installed after October 3, 1983, offset sections and landing platforms are not required if hinged platforms capable of supporting one hundred pounds per square foot (4.79 kPa), and which are kept closed except when opened for passage, are within the cage or well at intervals not exceeding thirty feet (9.14 m).

(c) Ladders equipped with ladder safety devices ~~((shall))~~ must have rest platforms:

(i) Capable of supporting a load of one hundred pounds per square foot (4.79 kPa);

(ii) Located at intervals of one hundred fifty feet (45.7 m) or less; and

(iii) Protected by guardrails complying with WAC 296-56-60123(3) on three sides.

(d) Where used, ladder safety devices ~~((shall))~~ must:

(i) Be installed and maintained in accordance with the manufacturer's instructions, which ~~((shall))~~ must be available for inspection upon request;

(ii) Be repaired only with replacement parts having performance capability at least equal to that of the original parts;

(iii) Have a connection length between carrier centerlines and safety belts of  $10 \pm 2$  inches ( $25.4 \pm 5.08$  cm); and

(iv) Be installed in a manner that does not reduce the ladder's structural capacity.

(e) Ladder cages or wells ~~((shall))~~ must:

(i) Be of rigid construction that allows unobstructed use but prevents an employee from falling through or dislodging the cage or well by falling against it;

- (ii) Have smooth inner surfaces;
- (iii) Extend at least thirty-six inches (0.91 m) above landings; and
- (iv) Extend to within eight feet (2.44 m) above the ground or base, except that a maximum of twenty feet (6.1 m) is permitted where the cage or well would extend into traffic lanes.
- (f) Ladders installed after January 1, 1985, on radio, microwave communications, electrical power and similar towers, poles and structures, including stacks and chimneys, ~~((shall))~~ must meet the requirements of this subsection.
- ~~((6) Individual rung ladders.)~~ (5) You must make sure ladders consisting of individual rungs that are attached to walls, conical manhole sections or river cells ~~((shall))~~ are:
  - (a) ~~((Be))~~ Capable of supporting a load of three hundred fifty pounds (1557 N) without deformation;
  - (b) Form a continuous ladder, uniformly spaced vertically from twelve inches to sixteen inches (30.5 to 40.6 cm) apart, with a minimum width of ten inches (25.4 cm), and projecting at least four and one-half inches (11.43 cm) from the wall;
  - (c) ~~((Be so))~~ Constructed that an employee's foot cannot slide off the ends; and
  - (d) Be firmly attached and without sharp edges.

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

**WAC 296-56-60211 Portable ladders.** (1) ~~((Scope and applicability-))~~ You must meet the requirements of this section as it applies to all portable ladders, including job-made ladders for temporary use, unless otherwise specified.

(2) You must meet the standards for existing manufactured portable ladders~~(-)~~ as follows:

(a) Rungs of manufactured portable ladders obtained before October 3, 1983, ~~((shall))~~ must be capable of supporting a two hundred pound (890 N) load without deformation.

(b) Rungs ~~((shall))~~ must be evenly spaced from nine to sixteen and one-half inches (22.9 to 41.9 cm), center to center.

(c) Rungs ~~((shall))~~ must be continuous members between rails. Each rung of a double-rung ladder (two side rails and a center rail) ~~((shall))~~ must extend the full width of the ladder.

(d) Width between side rails at the base of the ladder ~~((shall))~~ must be at least twelve inches (30.48 cm) for ladders ten feet (3.05 m) or less in overall length, and ~~((shall))~~ must increase at least one-fourth inch (0.64 cm) for each additional two feet (0.61 m) of ladder length.

(3) ~~((Standards for manufactured portable ladders.))~~ You must make sure manufactured portable ladders obtained after October 3, 1983, ~~((shall))~~ bear identification indicating that they meet the appropriate ladder construction requirements of the following standards:

(a) ANSI A14.1-1990 Safety Requirements for Portable Wood Ladders

(b) ANSI A14.2-1990 Safety Requirements for Portable Metal Ladders

(c) ANSI A14.5-1992 Safety Requirements for Portable Reinforced Plastic Ladders

(4) ~~((Standards for job made portable ladders.))~~ You must meet these standards for job-made portable ladders ~~((shall))~~:

(a) Have a minimum and uniform distance between rungs of twelve inches (30.48 cm), center to center;

(b) Be capable of supporting a two hundred fifty pound (1112 N) load without deformation; and

(c) Have a minimum width between side rails of twelve inches (30.48 cm) for ladders ten feet (3.05 m) in height. Width between rails ~~((shall))~~ must increase at least one-fourth inch (0.64 cm) for each additional two feet (0.61 m) of ladder length.

(5) You must meet the following requirements for maintenance and inspection~~(-)~~:

(a) ~~((The employer shall))~~ You must maintain portable ladders in safe condition. Ladders with the following defects ~~((shall))~~ must not be used and either ~~((shall))~~ must be tagged as unusable if kept on the premises or ~~((shall))~~ must be removed from the worksite:

(i) Broken, split or missing rungs, cleats, or steps;

(ii) Broken or split side rails;

(iii) Missing or loose bolts, rivets, or fastenings;

(iv) Defective ropes; or

(v) Any other structural defect.

(b) Ladders ~~((shall))~~ must be inspected for defects prior to each day's use, and after any occurrence, such as a fall, which could damage the ladder.

(6) You must meet the following requirements for ladder usage~~(-)~~:

(a) Ladders made by fastening rungs or devices across a single rail are prohibited.

(b) Ladders ~~((shall))~~ must not be used:

(i) As guys, braces, or skids; or

(ii) As platforms, runways, or scaffolds.

(c) Metal and wire-reinforced ladders with wooden side rails ~~((shall))~~ must not be used when employees on the ladder might come into contact with energized electrical conductors.

(d) Individual sections from different multisectional ladders or two or more single straight ladders ~~((shall))~~ must not be tied or fastened together to achieve additional length.

(e) Except for combination ladders, self-supporting ladders ~~((shall))~~ must not be used as single straight ladders.

(f) Unless intended for cantilever operation, nonself-supporting ladders ~~((shall))~~ must not be used to climb above the top support point.

(g) Ladders ~~((shall))~~ must extend at least thirty-six inches (0.91 m) above the upper support level if employees are to leave or mount the ladder at that level, except that where such extension is impractical other equivalent means such as grab bars may be used to provide a hand grip.

(h) Ladders ~~((shall))~~ must be securely positioned on a level and firm base.

(i) Ladders ~~((shall))~~ must be fitted with slip-resistant bases and secured at top or bottom to prevent the ladder from slipping.

(j) Ladders ~~((shall))~~ must be placed so that employees climbing are not exposed to injury from projecting objects or doors that open toward the ladder.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

**WAC 296-56-60213 Jacob's ladders.** (1) You must make sure Jacob's ladders (~~(shall be)~~) are of the double rung or flat tread type. They (~~(shall)~~) must be well maintained and properly secured to the dock.

(2) You must either hang a Jacob's ladder (~~(shall either hang)~~) without slack from its lashings or be pulled up entirely.

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

**WAC 296-56-60215 Fixed stairways.** (~~(1) Definition-~~ "Fixed stairway" means interior or exterior stairs serving machinery, tanks, or equipment, and stairs to or from floors, platforms, or pits. The term does not apply to stairs intended only for fire exit purposes, to articulated stairs (the angle of which changes with the rise and fall of the base support) or to stairs forming an integral part of machinery.

(2) You must meet these requirements for new installations(-):

(~~(a)~~) (1) Fixed stairs installed after October 3, 1983, (~~(shall)~~) must be positioned within the range of thirty degrees to fifty degrees to the horizontal with uniform riser height and tread width throughout each run and be capable of a minimum loading of one hundred pounds per square foot (445 N) and a minimum concentrated load of three hundred pounds (1334 N) at the center of any treadspan. Riser height (~~(shall)~~) must be from six to seven and one-half inches (15.24 to 19.05 cm), stair width a minimum of twenty-two inches (55.88 cm) between vertical barriers, and tread depth a minimum of 12 ± 2 inches (30.48 ± 5.08 cm), and tread nosing (~~(shall)~~) be straight leading edges.

(~~(b)~~) (2) Stair landings (~~(shall)~~) must be at least twenty inches (50.8 cm) in depth. Where doors or gates open on a stairway, a landing platform (~~(shall)~~) must be provided. Door swing (~~(shall)~~) must not reduce the effective standing area on the landing to less than eighteen inches (45.72 cm) in depth.

(~~(c)~~) (3) Fixed stairs having four or more risers (~~(shall)~~) must have stair railings or handrails complying with WAC 296-56-60123(3).

(~~(d)~~) (4) The railing height from tread surface at the riser face (~~(shall)~~) must be 33 plus or minus 3 inches (83.82 cm plus or minus 7.62 cm).

(~~(e)~~) (5) For restricted areas(-), when physical features require stairs steeper than those provided for by (~~(a)~~) (1) of this subsection, stairs at angles of fifty degrees to seventy-five degrees from the horizontal may be used if they:

(~~(i)~~) (a) Are capable of supporting a single concentrated load of two hundred pounds (890 N) at the tread centers;

(~~(ii)~~) (b) Have open treads at least four inches (10.16 cm) in depth and eighteen inches (45.72 cm) in width with a uniformly spaced vertical rise between treads of six to nine and one-half inches (15.24 to 24.13 cm); and

(~~(iii)~~) (c) Have handrails that meet the requirements of WAC 296-56-60123(3) on both sides that are not less than thirty inches (76.2 cm) in height from the tread surface at the riser face.

(~~(f) Maintenance-~~) (6) You must maintain fixed stairways (~~(shall be maintained)~~) in safe condition and (~~(shall)~~) must not be obstructed.

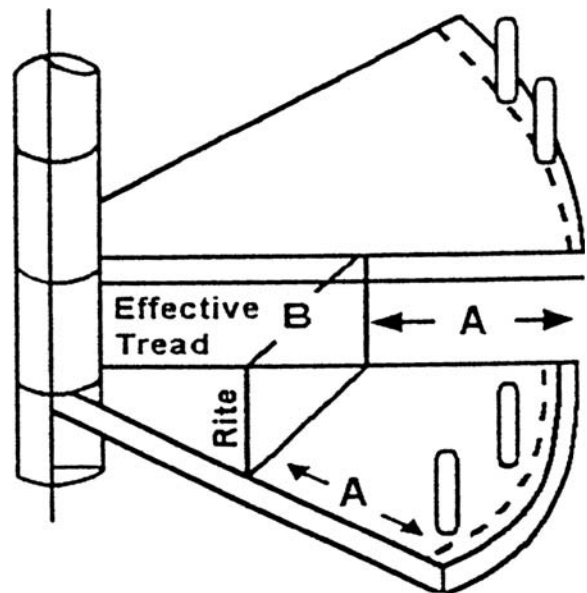
AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

**WAC 296-56-60217 Spiral stairways.** (1) (~~Definition-~~ "Spiral stairway" means one with closed circular form, uniform sector-shaped treads and a supporting column.

(2) (~~Requirements-~~) You must meet the following requirements for spiral stairways (~~(shall meet the following requirements)~~):

(a) Stairways (~~(shall)~~) must conform to the minimum dimensions of Figure F-1;

Figure F-1



Spiral Stairway—Minimum Dimensions		
	A (Half-tread width)	B
Normal use by employees . . . . .	11 inches (27.9 cm)	6 inches (15.2 cm)
Limited access . . . . .	9 inches (22.9 cm)	5 inches (12.7 cm)

(b) Stairway risers (~~(shall)~~) must be uniform and shall range from six and one-half to ten and one-half inches (16.5 to 26.67 cm) in height;

(c) Minimum loading capability (~~(shall)~~) be one hundred pounds per square foot (445 N), and minimum tread center concentrated loading shall be three hundred pounds (1334 N);

(d) Railing (~~(shall)~~) must conform to the requirements of WAC 296-56-60123(3). If balusters are used, there (~~(shall)~~) must be a minimum of one per tread. Handrails (~~(shall)~~) must be a minimum of one and one-fourth inches (3.18 cm) in outside diameter; and

(e) Vertical clearance ~~((shall))~~ must be at least six feet, six inches (1.98 m) above the top step.

~~((3) Maintenance.))~~ (2) You must maintain spiral stairways ~~((shall be maintained))~~ in safe condition.

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

**WAC 296-56-60219 Employee exits.** (1) You must clearly mark employee exits ~~((shall be clearly marked))~~.

(2) You must post directional signs indicating routes to the exit if an employee exit is not visible from employees' work stations ~~((directional signs indicating routes to the exit shall be posted))~~.

(3) ~~((Exits shall be))~~ You must make sure exits are readily accessible and sufficient in number to provide employees with a convenient means of escape in emergencies. A clear passage to the exit shall be maintained.

(4) You must make sure the minimum width of any employee exit ~~((shall be))~~ is twenty-eight inches (71.12 cm).

(5) You must clearly mark and keep clear all fire exits and aiseways of all docks and warehouses ~~((shall be clearly marked and kept clear))~~. All main aiseways ~~((shall))~~ must be wide enough to permit passage of a fire truck.

(6) ~~((There shall be))~~ You must maintain a twenty-eight inch clearance ~~((maintained))~~ where employees use a passageway to an exit.

(7) You must provide every building, structure or crane, new or old, ~~((shall be provided))~~ with an emergency means of egress to permit the prompt escape of occupants in case of fire or other emergency, at all locations with a vertical height of thirty feet or more. Cranes, buildings, or structures erected prior to January 1, 1985, ~~((shall))~~ must comply with the provisions of this standard by July 1, 1986.

AMENDATORY SECTION (Amending WSR 09-15-144, filed 7/21/09, effective 9/1/09)

**WAC 296-56-60221 Illumination.** ~~((Lighting.))~~ You must light all areas ~~((shall be lighted))~~ to meet the requirements of this code.

(1) You must light active work areas ~~((shall be lighted))~~ in such a manner that the general area being worked will be illuminated at a minimum intensity of approximately five foot candles measured thirty inches above the dock floor. Supplemental lighting ~~((shall))~~ must be utilized where more than the minimum intensity is necessary for safe operation.

(a) The lighting intensity ~~((shall))~~ must be measured at the task/working surface in the plane in which the task/working surface is present.

(b) Lights ~~((shall))~~ must, so far as possible, be placed so that they will not shine in the eyes of employees.

(2) You must maintain a minimum of three foot candles illumination measured in the manner described above ~~((shall be maintained))~~ at all points along the bull rail.

(3) You must make sure the quality of light ~~((shall be))~~ is such that it is reasonably free from glare, and has correct direction, diffusion, and distribution.

(4) You must make sure that lighting shall not be obstructed by any placement of cargo, structures or other objects which might create a shadow in the work area. Porta-

ble lighting ~~((shall))~~ must be provided in those areas that do not meet the minimum requirements of this subsection.

(5) You must meet the following requirements for portable illumination ~~((:))~~:

(a) All walking and working areas ~~((shall))~~ must be illuminated.

(b) Portable lights ~~((shall))~~ must meet the following requirements:

(i) Portable lights ~~((shall))~~ must be equipped with reflectors and guards to prevent flammable and other material from coming in contact with the bulb, except that guards are not required where the construction of the reflector is such that the bulb is recessed.

(ii) Portable lights ~~((shall))~~ must be equipped with heavy duty electric cords. They may be suspended by such cords only when the means of attachment of the cord to the light is such as to prevent the light from being suspended by the electrical connections.

(iii) All connections and insulation ~~((shall))~~ must be maintained.

(iv) Lighting wires and fixtures for portable lights ~~((shall))~~ must be so arranged as to be free from contact with drafts, running gear, or other moving equipment.

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

**WAC 296-56-60223 Passage between levels and across openings.** (1) ~~((General. The employer shall))~~ You must provide safe means of passage between different surface levels and across openings.

(2) You must meet the following requirements for dockboards (car and bridge plates) ~~((:))~~:

(a) Dockboards ~~((shall))~~ must be strong enough to support the loads imposed on them.

(b) Portable dockboards ~~((shall))~~ must be anchored in position or be equipped with devices to prevent their movement.

(c) Hand holds or other effective means ~~((shall))~~ must be provided on portable dockboards to permit safe handling.

(d) Positive means ~~((shall))~~ must be used to prevent railcars or highway vehicles from being moved while dockboards or bridge plates are in position.

(3) You must meet the following requirements for ramps ~~((:))~~:

(a) Ramps ~~((shall))~~ must be strong enough to support the loads imposed on them, provided with sideboards, properly secured and well maintained.

(b) Ramps ~~((shall))~~ must be equipped with guardrails meeting the requirements of WAC 296-56-60123(3) if the slope is more than twenty degrees to the horizontal or if employees could fall more than four feet (1.22 m).

(c) Ramps ~~((shall))~~ must have slip-resistant surfaces.

(d) When necessary to prevent displacement by vehicle wheels, steel plates or similar devices, used to temporarily bridge or cover uneven surfaces or tracks, ~~((shall))~~ must be anchored.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

**WAC 296-56-60225 Guarding temporary hazards.** You must guard ditches, pits, excavations, and surfaces in poor repair (~~(shall be guarded)~~) by readily visible barricades, rails or other equally effective means.

AMENDATORY SECTION (Amending WSR 85-10-004, filed 4/19/85)

**WAC 296-56-60227 River banks.** (1) This section applies to temporary installations or temporary operations near a river bank.

(2) You must ensure that the outer perimeter of the working surface is protected by posting or other portable protection such as roping off, and that employees wear a personal flotation device meeting the requirements of WAC 296-56-60115(2), where working surfaces at river banks slope so steeply that an employee could slip or fall into the water~~(, the employer shall ensure that the outer perimeter of the working surface is protected by posting or other portable protection such as roping off, and that employees wear a personal flotation device meeting the requirements of WAC 296-56-60115(2))~~.

AMENDATORY SECTION (Amending WSR 12-24-071, filed 12/4/12, effective 1/4/13)

**WAC 296-56-60229 Sanitation.** (1) You must meet the following requirements for washing and toilet facilities~~(-):~~:

(a) ~~(The employer shall)~~ You must provide accessible washing and toilet facilities sufficient for the sanitary requirements of employees. The facilities ~~(shall)~~ must have:

- (i) Running water, including hot and cold or tepid water (when cargo handling is conducted at locations without permanent facilities, containers of potable water may be provided in lieu of running water);
- (ii) Soap;
- (iii) Individual hand towels, clean individual sections of continuous toweling or air blowers; and
- (iv) Fixed or portable toilets in separate compartments with latch-equipped doors.

(b) Separate toilet facilities ~~(shall)~~ must be provided for male and female employees except when toilet rooms are occupied by only one person at a time. A means of locking ~~(shall)~~ must be provided.

(c) Washing and toilet facilities ~~(shall)~~ must be regularly cleaned and maintained in good order.

(2) You must meet the following requirements for drinking water.

(a) Potable drinking water shall be accessible to employees at all times.

(b) Potable drinking water containers ~~(shall)~~ must be clean, containing only water and ice, and ~~(shall)~~ must be fitted with covers.

(c) Common drinking cups are prohibited.

(3) ~~(Prohibited eating areas-)~~ You must prohibit consumption of food or beverages in areas where hazardous materials are being stored or handled ~~(shall be prohibited)~~.

~~(4) ((Garbage and overboard discharges. Work shall not be))~~ You must prohibit work from being conducted in the immediate vicinity of uncovered garbage or in the area of overboard discharges from the vessel's sanitary lines unless employees are protected from the garbage or discharge by a baffle or splash boards.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60231 Signs and marking.** (1) ~~((General-))~~ You must make sure signs required by this chapter ~~((shall be))~~ are clearly worded and legible. They ~~((shall))~~ must contain a key word or legend indicating the reason for the sign.

(a) Key words are such words as danger, warning, caution.

(b) Legends are more specific explanations such as high voltage, close clearance, pedestrian crossing.

(2) ~~((Specific-))~~ You must make sure every marine terminal ~~((shall have))~~ has conspicuously posted signs as follows:

- (a) Locations of first-aid facilities;
- (b) Locations of telephones;
- (c) Telephone numbers of the closest ambulance service, hospital or other source of medical attention, police, fire department, and emergency squad (if any); and
- (d) Locations of firefighting and emergency equipment and fire exits.

**~~((PART K - RELATED TERMINAL OPERATIONS AND EQUIPMENT))~~**

NEW SECTION

**WAC 296-56-60232 Related terminal operations and equipment.**

**Summary**

This section applies to all related terminal operations and equipment in your workplace.

**Your responsibility:** To protect employees from terminal operations related to hazards in your workplace.

<b>You must meet the requirements...</b>	<b>in this section:</b>
Related terminal operations and equipment—Machine guarding	WAC 296-56-60233
Welding, cutting and heating (hot work) (see also definition of "hazardous cargo, material, substance or atmosphere")	WAC 296-56-60235
Spray painting	WAC 296-56-60237
Compressed air	WAC 296-56-60239
Air receivers	WAC 296-56-60241
Fuel handling and storage	WAC 296-56-60243

You must meet the requirements...	in this section:
Battery charging and changing	WAC 296-56-60245
Prohibited operations	WAC 296-56-60247
Petroleum docks	WAC 296-56-60249
Boat marinas	WAC 296-56-60251
Canneries and cold storage docks	WAC 296-56-60253
Excerpts from Revised Code of Washington	WAC 296-56-60255
Form—Appendix A—Standard signals for longshore crane signals	WAC 296-56-99002
Form—Appendix B—Standard signals for longshore crane signals	WAC 296-56-99003

**AMENDATORY SECTION** (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

**WAC 296-56-60233 Related terminal operations and equipment—Machine guarding.** (1) ~~((Definition—"Guarded" means shielded, fenced, or enclosed by covers, easings, shields, troughs, spillways or railings, or guarded by position or location. Examples of guarding methods are guarding by location (positioning hazards so they are inaccessible to employees) and point of operation guarding (using barrier guards, two hand tripping devices, electronic safety devices, or other such devices).~~

~~((2) General.))~~ You must meet the following general requirements for machine guarding:

- (a) Danger zones on machines and equipment used by employees ~~((shall))~~ must be guarded.
- (b) Where chips and dust produced by machine operation may result in a hazard to the operator, the machinery ~~((shall))~~ must be equipped with an effective exhaust system at the point of origin, or other equally effective means ~~((shall))~~ must be provided to protect the operator.
- (c) Fixed machinery ~~((shall))~~ must be secured to prevent shifting.
- (d) A power cut-off device for machinery and equipment ~~((shall))~~ must be provided at the operator's working position.
- (e) Machines driven by belts and shafting ~~((shall))~~ must be fitted with a belt-locking or equivalent protective device if the belt can be shifted.
- (f) In operations where injury to the operator might result if motors were to restart after power failures, provisions ~~((shall))~~ must be made to prevent machines from automatically restarting upon restoration of power.
- (g) The power supply to machines ~~((shall))~~ must be turned off, locked out, and tagged out during repair, adjustment, or servicing.
- (h) Machines ~~((shall))~~ must be maintained in a safe working condition.

(i) Only designated employees ~~((shall))~~ must maintain or repair machinery and equipment.

(j) Machines with defects that affect the safety of operation ~~((shall))~~ must not be used.

~~((3))~~ (2) You must guard hand-fed circular ripsaws and hand-fed circular crosscut table saws((-) as follows unless fixed or manually adjustable enclosures or guarding provides equivalent protection((, hand-fed circular ripsaws and hand-fed circular crosscut table saws shall be guarded as follows)):

(a) ~~((They shall be))~~ Equipped with hoods completely enclosing those portions of the saw above the table and the material being cut;

(b) ~~((They shall))~~ Have spreaders to prevent material from squeezing the saw. Spreaders ~~((shall))~~ must be in true alignment with the saw. Spreaders may be removed only during grooving, dadoing, or rabbeting operations, and ~~((shall))~~ must be replaced at the completion of such operations; and

(c) ~~((They shall))~~ Have nonkickback fingers or dogs to oppose the tendency of the saw to pick up material or throw material toward the operator.

~~((4))~~ (3) You must guard swing cutoff saws((-) as follows:

(a) Swing cutoff saws ~~((shall))~~ must have hoods completely enclosing the upper half of the saw, the arbor end and the point of operation at all saw positions to protect the operator from material thrown up by the saw. The hood ~~((shall))~~ must automatically cover the lower portion of the blade so that when the saw returns to the back of the table the hood rises on top of the fence, and when the saw is moved forward the hood drops on top, remaining in contact with the table or the material.

(b) Swing cutoff saws ~~((shall))~~ must have a device to return the saw automatically to the back of the table without rebound. The device ~~((shall))~~ must not be dependent upon rope, cord or springs.

(c) Devices ~~((shall))~~ must be provided to prevent saws from swinging beyond the front or back edges of the table.

(d) Inverted swing cutoff saws ~~((shall))~~ must have hoods covering the part of the saw protruding above the table top or the material being cut. Hoods ~~((shall))~~ must automatically adjust to the thickness of, and remain in contact with, material being cut.

~~((5))~~ (4) You must guard radial saws((-) as follows, unless fixed or manually adjustable enclosures or guards provide equivalent protection((, radial saws shall be guarded as follows)):

(a) The upper hood of radial saws ~~((shall))~~ must enclose the upper portion of the blade up to and including the end of the saw arbor and ~~((shall))~~ must protect the operator from being struck by debris. The sides of the lower exposed portion of the blade ~~((shall))~~ must be guarded to the blade diameter by a device automatically adjusting to the thickness of the stock and remaining in contact with the stock. The lower guard may be removed only when the saw is used for bevel cuts;

(b) Radial saws used for ripping ~~((shall))~~ must have non-kickback fingers or dogs on both sides to oppose the thrust or tendency of the saw to pick up material or throw material toward the operator;

(c) An adjustable stop ~~((shall))~~ must be provided to prevent travel of radial saw blades beyond the table's edge;

(d) Radial saws ~~((shall))~~ must be installed so that the cutting head returns to the starting position without rebound when released; and

(e) ~~((The employer shall))~~ You must direct that employees perform ripping and ploughing against the saw turning direction. Rotation direction and an indication of the end of the saw to be used ~~((shall))~~ must be conspicuously marked on the hood.

~~((6))~~ (5) You must guard band saws and band resaws(-) as follows:

(a) Saw blades and band saw wheels ~~((shall))~~ must be enclosed or guarded, except for the working portion of the blade between the bottom of the guide rolls and the table, to protect employees from point-of-operation hazards and flying debris.

(b) Band saws ~~((shall))~~ must be equipped with brakes to stop the band saw wheel if the blade breaks.

(c) Band saws ~~((shall))~~ must be equipped with a tension control device to keep the blade taut.

~~((7))~~ (6) You must guard abrasive wheels and machinery(-) as follows:

(a) Abrasive wheels ~~((shall))~~ must be used only on machines having enclosure guards to restrain pieces of grinding wheels and to protect employees if the wheel breaks, except as provided in (b) and (c) of this subsection. Where the operator stands in front of the safety guard opening, the safety guard ~~((shall))~~ must be adjustable or have an adjustable tongue or piece at the top of the opening. The safety guard or the tongue ~~((shall))~~ must be adjusted so that it is always within one-fourth inch of the periphery of the wheel. Guards ~~((shall))~~ must be aligned with the wheel and the strength of fastenings ~~((shall))~~ must be greater than the strength of the guard.

(b) When the work provides equivalent protection, or when the machine is designed as a portable saw, guards may be constructed with the spindle end, nut and outer flange exposed. When the work entirely covers the side of the wheel, the side covers of the guard may be removed.

(c) Guarding is not required:

(i) For wheels used for internal work while the wheel is contained within the work being ground; or

(ii) For mounted wheels two inches (5 cm) and smaller in diameter used in portable operations.

(d) Work rests ~~((shall))~~ must be used on fixed grinding machines. Work rests ~~((shall))~~ must be rigidly constructed and adjustable for wheel wear. They ~~((shall))~~ must be adjusted closely to the wheel with a maximum opening of one-eighth inch (3.18 mm) and ~~((shall))~~ must be securely clamped. Adjustment ~~((shall))~~ must not be made while the wheel is in motion.

(e) Grinding wheels ~~((shall))~~ must fit freely on the spindle. The spindle nut ~~((shall))~~ must be tightened only enough to hold the wheel in place.

(f) Grinding machine wheels ~~((shall))~~ must turn at a speed that is compatible with the rated speed of the wheel.

(g) Flanges and blotters ~~((shall))~~ must be used only with wheels designed for their use. Flanges ~~((shall))~~ must be of a

type ensuring retention of pieces of the wheel in case of breakage.

(h) Abrasive wheels with operational defects ~~((shall))~~ must not be used.

~~((8))~~ (7) You must guard rotating parts, drives and connections(-) as follows:

(a) Rotating parts, such as gears and pulleys, that are located seven feet (2.13 m) or less above working surfaces ~~((shall))~~ must be guarded to prevent employee contact with moving parts.

(b) Belt, rope and chain drives ~~((shall))~~ must be guarded to prevent employees from coming into contact with moving parts.

(c) Gears, sprockets and chains ~~((shall))~~ must be guarded to prevent employees coming into contact with moving parts. This requirement does not apply to manually operated sprockets.

AMENDATORY SECTION (Amending WSR 14-07-086, filed 3/18/14, effective 5/1/14)

**WAC 296-56-60235 Welding, cutting and heating (hot work) (see also definition of "hazardous cargo, material, substance or atmosphere").** (1) ~~((Definition. "Hot work" means riveting, welding, flame cutting or other fire or spark producing operation.~~

~~((2))~~ You must make sure hot work is not performed in confined space~~((s. Hot work shall not be performed in a confined space))~~ until all requirements of chapter 296-809 WAC, are met.

~~((3))~~ (2) You must provide fire protection(-) for employees performing hot work as follows:

(a) To the extent possible, hot work ~~((shall))~~ must be performed in designated locations that are free of fire hazards.

(b) When hot work must be performed in a location that is not free of fire hazards, all necessary precautions ~~((shall))~~ must be taken to confine heat, sparks, and slag so that they cannot contact flammable or combustible material.

(c) Fire extinguishing equipment suitable for the location ~~((shall))~~ must be immediately available and ~~((shall))~~ must be maintained in readiness for use at all times.

(d) When the hot work operation is such that normal fire prevention precautions are not sufficient, additional personnel ~~((shall))~~ must be assigned to guard against fire during hot work and for a sufficient time after completion of the work to ensure that no fire hazard remains. The employer ~~((shall))~~ must instruct all employees involved in hot work operations as to potential fire hazards and the use of firefighting equipment.

(e) Drums and containers which contain or have contained flammable liquids ~~((shall))~~ must be kept closed. Empty containers ~~((shall))~~ must be removed from the hot work area.

(f) When openings or cracks in flooring cannot be closed, precautions ~~((shall))~~ must be taken to ensure that no employees or flammable or combustible materials are exposed to sparks dropping through the floor. Similar precautions ~~((shall))~~ must be taken regarding cracks or holes in walls, open doorways and open or broken windows.

(g) Hot work shall not be performed:

(i) In flammable or potentially flammable atmospheres;

(ii) On or in equipment or tanks that have contained flammable gas or liquid or combustible liquid or dust-producing material, until a designated person has tested the atmosphere inside the equipment or tanks and determined that it is not hazardous; or

(iii) Near any area in which exposed readily ignitable materials such as bulk sulphur, baled paper or cotton are stored. Bulk sulphur is excluded from this prohibition if suitable precautions are followed, the person in charge is knowledgeable and the person performing the work has been instructed in preventing and extinguishing sulphur fires.

(h)((+)) Drums, containers or hollow structures that have contained flammable or combustible substances ((shall)) must either be filled with water or cleaned, and ((shall)) must then be ventilated.

(i) A designated person ((shall)) must test the atmosphere and determine that it is not hazardous before hot work is performed on or in such structures.

(ii) Before heat is applied to a drum, container or hollow structure, an opening to release built-up pressure during heat application ((shall)) must be provided.

((4)) (3) You must follow these requirements for gas welding and cutting(-):

(a) Compressed gas cylinders must be used only as follows:

(i) ((Shall)) Must have valve protection caps in place except when in use, hooked up or secured for movement. Oil ((shall)) must not be used to lubricate caps;

(ii) ((Shall)) Must be hoisted only while secured, as on a cradle or pallet, and ((shall)) must not be hoisted by magnet, choker sling or cylinder caps;

(iii) ((Shall)) Must be moved only by tilting or rolling on their bottom edges;

(iv) ((Shall)) Must be secured when moved by vehicle;

(v) ((Shall)) Must be secured while in use;

(vi) ((Shall)) Must have valves closed when cylinders are empty, being moved or stored;

(vii) ((Shall)) Must be secured upright except when hoisted or carried;

(viii) ((Shall)) Must not be freed when frozen by prying the valves or caps with bars or by hitting the valve with a tool;

(ix) ((Shall)) Must not be thawed by boiling water;

(x) ((Shall)) Must not be exposed to sparks, hot slag, or flame;

(xi) ((Shall)) Must not be permitted to become part of electrical circuits or have electrodes struck against them to strike arcs;

(xii) ((Shall)) Must not be used as rollers or supports;

(xiii) ((Shall)) Must not have contents used for purposes not authorized by the supplier;

(xiv) ((Shall)) Must not be used if damaged or defective;

(xv) ((Shall)) Must not have gases mixed within, except by gas suppliers;

(xvi) ((Shall)) Must be stored so that oxygen cylinders are separated from fuel gas cylinders and combustible materials by either a minimum distance of twenty feet (6.1 m) or a barrier having a fire-resistance rating of thirty minutes; and

(xvii) ((Shall)) Must not have objects that might either damage the safety device or obstruct the valve placed on top of the cylinder when in use.

(b) ((Use of fuel gas-)) Fuel gas ((shall)) must be used only as follows:

(i) Before regulators are connected to cylinder valves, the valves ((shall)) must be opened slightly (cracked) and closed immediately to clear away dust or dirt. Valves ((shall)) must not be cracked if gas could reach possible sources of ignition;

(ii) Cylinder valves ((shall)) must be opened slowly to prevent regulator damage and ((shall)) must not be opened more than one and one-half turns. Any special wrench required for emergency closing ((shall)) must be positioned on the valve stem during cylinder use. For manifolded or coupled cylinders, at least one wrench ((shall)) must be immediately available. Nothing ((shall)) must be placed on top of a cylinder or associated parts when the cylinder is in use;

(iii) Pressure-reducing regulators ((shall)) must be attached to cylinder valves when cylinders are supplying torches or devices equipped with shut-off valves;

(iv) Cylinder valves ((shall)) must be closed and gas released from the regulator or manifold before regulators are removed;

(v) Leaking fuel gas cylinder valves ((shall)) must be closed and the gland nut tightened. If the leak continues, the cylinder ((shall)) must be tagged, removed from service, and moved to a location where the leak will not be hazardous. If a regulator attached to a valve stops a leak, the cylinder need not be removed from the workplace but ((shall)) must be tagged and may not be used again before it is repaired; and

(vi) If a plug or safety device leaks, the cylinder ((shall)) must be tagged, removed from service, and moved to a location where the leak will not be hazardous.

(c) Hose(-) must be used only as follows:

(i) Fuel gas and oxygen hoses ((shall)) must be easily distinguishable from each other by color or sense of touch. Oxygen and fuel hoses ((shall)) must not be interchangeable. Hoses having more than one gas passage ((shall)) must not be used.

(ii) When oxygen and fuel gas hoses are taped together, not more than four of each twelve inches (10.16 cm of each 30.48 cm) ((shall)) must be taped.

(iii) Hose ((shall)) must be inspected before use. Hose subjected to flashback or showing evidence of severe wear or damage ((shall)) must be tested to twice the normal working pressure but not less than two hundred p.s.i. (1378.96 kPa) before reuse. Defective hose ((shall)) must not be used.

(iv) Hose couplings ((shall)) must not unlock or disconnect without rotary motion.

(v) Hose connections ((shall)) must be clamped or securely fastened to withstand twice the normal working pressure but not less than three hundred p.s.i. (2068.44 kPa) without leaking.

(vi) Gas hose storage boxes ((shall)) must be ventilated.

(d) Torches(-) must be used only as follows:

(i) Torch tip openings ((shall)) must only be cleaned with devices designed for that purpose.

(ii) Torches ((shall)) must be inspected before each use for leaking shut-off valves, hose couplings and tip connections. Torches ((shall)) must be inspected before each use for leaking shut-off valves, hose couplings and tip connections. Torches with such defects ((shall)) must not be used.



(iii) Torches ~~((shall))~~ must not be lighted from matches, cigarette lighters, other flames or hot work.

(e) ~~((Pressure regulators.))~~ Pressure regulators, including associated gauges, ~~((shall))~~ must be maintained in safe working order.

(f) ~~((Operational precaution.))~~ Gas welding equipment ~~((shall))~~ must be maintained free of oil and grease.

~~((5))~~ (4) You must meet these requirements for arc welding and cutting(-):

(a) Manual electrode holders(-) must be used as follows:

(i) ~~((The employer shall))~~ You must ensure that only manual electrode holders intended for arc welding and cutting and capable of handling the maximum current required for such welding or cutting ~~((shall))~~ must be used.

(ii) Current-carrying parts passing through those portions of the holder gripped by the user and through the outer surfaces of the jaws of the holder ~~((shall))~~ must be insulated against the maximum voltage to ground.

(b) Welding cables and connectors(-) must be used as follows:

(i) Arc welding and cutting cables ~~((shall))~~ must be insulated, flexible and capable of handling the maximum current required by the operation, taking into account the duty cycles.

(ii) Only cable free from repair or splice for ten feet (3 m) from the electrode holder ~~((shall))~~ must be used unless insulated connectors or splices with insulating quality equal to that of the cable are provided.

(iii) When a cable other than the lead mentioned in (b)(ii) of this subsection wears and exposes bare conductors, the portion exposed ~~((shall))~~ must not be used until it is protected by insulation equivalent in performance capacity to the original.

(iv) Insulated connectors of equivalent capacity ~~((shall))~~ must be used for connecting or splicing cable. Cable lugs, where used as connectors, ~~((shall))~~ must provide electrical contact. Exposed metal parts ~~((shall))~~ must be insulated.

(c) Ground returns and machine grounding(-) must be used as follows:

(i) Ground return cables ~~((shall))~~ must have current-carrying capacity equal to or exceeding the total maximum output capacities of the welding or cutting units served.

(ii) Structures or pipelines, other than those containing gases or flammable liquids or conduits containing electrical circuits, may be used in the ground return circuit if their current-carrying capacity equals or exceeds the total maximum output capacities of the welding or cutting units served.

(iii) Structures or pipelines forming a temporary ground return circuit ~~((shall))~~ must have electrical contact at all joints. Arcs, sparks or heat at any point in the circuit ~~((shall))~~ must cause rejection as a ground circuit.

(iv) Structures or pipelines acting continuously as ground return circuits ~~((shall))~~ must have joints bonded and maintained to ensure that no electrolysis or fire hazard exists.

(v) Arc welding and cutting machine frames ~~((shall))~~ must be grounded, either through a third wire in the cable containing the circuit conductor or through a separate wire at the source of the current. Grounding circuits ~~((shall))~~ must have resistance low enough to permit sufficient current to

flow to cause the fuse or circuit breaker to interrupt the current.

(vi) Ground connections ~~((shall))~~ must be mechanically and electrically adequate to carry the current.

(d) When electrode holders are left unattended, electrodes ~~((shall))~~ must be removed and holders placed to prevent employee injury.

(e) Hot electrode holders ~~((shall))~~ must not be dipped in water.

(f) ~~((The employer shall))~~ You must ensure that when arc welders or cutters leave or stop work or when machines are moved, the power supply switch is kept in the off position.

(g) Arc welding or cutting equipment having a functional defect ~~((shall))~~ must not be used.

(h) ~~((+))~~ Arc welding and cutting operations ~~((shall))~~ must be separated from other operations by shields, screens, or curtains to protect employees in the vicinity from the direct rays and sparks of the arc.

~~((+))~~ (i) Employees in areas not protected from the arc by screening ~~((shall))~~ must be protected by appropriate filter lenses in accordance with subsection (8) of this section.

~~((+))~~ (ii) When welders are exposed to their own arc or to each other's arc, they ~~((shall))~~ must wear filter lenses complying with the requirements of subsection (8) of this section.

(i) The control apparatus of arc welding machines ~~((shall))~~ must be enclosed, except for operating wheels, levers, and handles.

(j) Input power terminals, top change devices and live metal parts connected to input circuits ~~((shall))~~ must be enclosed and accessible only by means of insulated tools.

(k) When arc welding is performed in wet or high-humidity conditions, employees ~~((shall))~~ must use additional protection, such as rubber pads or boots, against electric shock.

~~((6))~~ (5) You must meet the following requirements in ventilation and employee protection in welding, cutting and heating(-):

(a) ~~((Mechanical ventilation requirements. The employer shall))~~ You must ensure that general mechanical ventilation or local exhaust systems ~~((shall))~~ must meet the following requirements:

(i) General mechanical ventilation ~~((shall))~~ must maintain vapors, fumes and smoke below a hazardous level;

(ii) Local exhaust ventilation ~~((shall))~~ must consist of movable hoods positioned close to the work and ~~((shall))~~ must be of such capacity and arrangement as to keep breathing zone concentrations below hazardous levels;

(iii) Exhausts from working spaces ~~((shall))~~ must be discharged into the open air, clear of intake air sources;

(iv) Replacement air ~~((shall))~~ must be clean and respirable; and

(v) Oxygen ~~((shall))~~ must not be used for ventilation, cooling or cleaning clothing or work areas.

(b) ~~((Hot work in confined spaces.))~~ You must ensure that when hot work is performed in a confined space, in addition to the requirements of chapter 296-809 WAC and except as specified in (c)(ii) and (iii) of this subsection, ~~((when hot work is performed in a confined space the employer shall, in addition to the requirements of chapter 296-809 WAC,~~

~~ensure that~~) the following requirements for ventilation are met:

(i) General mechanical or local exhaust ventilations ~~(shall)~~ must be provided; or

(ii) Employees in the space ~~(shall)~~ must wear respirators in accordance with chapter 296-842 WAC.

(c) Requirements for welding, cutting or heating of toxic metals(-) are as follows:

(i) In confined or enclosed spaces, hot work involving the following metals ~~(shall)~~ must only be performed with general mechanical or local exhaust ventilation that ensures that employees are not exposed to hazardous levels of fumes:

- (A) Lead base metals;
- (B) Cadmium-bearing filler materials; and
- (C) Chromium-bearing metals or metals coated with chromium-bearing materials.

(ii) In confined or enclosed spaces, hot work involving the following metals ~~(shall)~~ must only be performed with local exhaust ventilation meeting the requirements of this subsection or by employees wearing supplied air respirators in accordance with chapter 296-842 WAC;

- (A) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials;
- (B) Metals containing lead other than as an impurity, or coated with lead-bearing materials;
- (C) Cadmium-bearing or cadmium-coated base metals; and
- (D) Metals coated with mercury-bearing materials.

(iii) Employees performing hot work in confined or enclosed spaces involving beryllium-containing base or filler metals ~~(shall)~~ must be protected by local exhaust ventilation and wear supplied air respirators or self-contained breathing apparatus, in accordance with the requirements of chapter 296-842 WAC.

(iv) ~~(The employer shall)~~ You must ensure that employees performing hot work in the open air that involves any of the metals listed in (c)(i) and (ii) of this subsection ~~(shall)~~ must be protected by respirators in accordance with the requirements of chapter 296-842 WAC and those working on beryllium-containing base or filler metals ~~(shall)~~ must be protected by supplied air respirators, in accordance with the requirements of chapter 296-842 WAC.

(v) Any employee exposed to the same atmosphere as the welder or burner ~~(shall)~~ must be protected by the same type of respiratory and other protective equipment as that worn by the welder or burner.

(d) ~~(Inert-gas metal-arc welding-)~~ You must make sure employees ~~(shall)~~ will not engage in and ~~(shall)~~ not be exposed to the inert-gas metal-arc welding process unless the following precautions are taken:

(i) Chlorinated solvents ~~(shall)~~ must not be used within two hundred feet (61 m) of the exposed arc. Surfaces prepared with chlorinated solvents ~~(shall)~~ must be thoroughly dry before welding is performed on them.

(ii) Employees in areas not protected from the arc by screening ~~(shall)~~ must be protected by appropriate filter lenses in accordance with the requirements of subsection ~~((8))~~ (7) of this section. When welders are exposed to their own arc or to each other's arc, filter lenses complying with the

requirements of subsection ~~((8))~~ (7) of this section ~~(shall)~~ must be worn to protect against flashes and radiant energy.

(ii) Employees exposed to radiation ~~(shall)~~ must have their skin covered completely to prevent ultraviolet burns and damage. Helmets and hand shields ~~(shall)~~ must not have leaks, openings or highly reflective surfaces.

(iv) Inert-gas metal-arc welding on stainless steel ~~(shall)~~ must not be performed unless exposed employees are protected either by local exhaust ventilation or by wearing supplied air respirators in accordance with the requirements of chapter 296-842 WAC.

~~((7))~~ (6) You must meet these requirements for welding, cutting and heating on preservative coatings(-):

(a) Before hot work is commenced on surfaces covered by a preservative coating of unknown flammability, a test ~~(shall)~~ must be made by a designated person to determine the coating's flammability. Preservative coatings ~~(shall)~~ must be considered highly flammable when scrapings burn with extreme rapidity.

(b) Appropriate precaution ~~(shall)~~ must be taken to prevent ignition of highly flammable hardened preservative coatings. Highly flammable coatings ~~(shall)~~ must be stripped from the area to be heated. An uncoiled fire hose with fog nozzle, under pressure, ~~(shall)~~ must be immediately available in the hot work area.

(c) Surfaces covered with preservative coatings ~~(shall)~~ must be stripped for at least four inches (10.16 cm) from the area of heat application or employees ~~(shall)~~ must be protected by supplied air respirators in accordance with the requirements of chapter 296-842 WAC.

~~((8) Protection)~~ (7) You must protect employees against radiant energy(-) as follows:

(a) Employees ~~(shall)~~ must be protected from radiant energy eye hazards by spectacles, cup goggles, helmets, hand shields or face shields with filter lenses complying with the requirements of this subsection.

(b) Filter lenses ~~(shall)~~ must have an appropriate shade number, as indicated in Table G-1, for the work performed. Variations of one or two shade numbers are permissible to suit individual preferences.

(c) If filter lenses are used in goggles worn under the helmet, the shade numbers of both lenses equals the value shown in Table G-1 for the operation.

**Table G-1(-)**

**Filter Lenses for Protection Against Radiant Energy**

<b>Operation</b>	<b>Shade No.</b>
Soldering((-.....-))	2
Torch Brazing((-.....-))	3 or 4
Light Cutting, up to 1 inch((-.....-))	3 or 4
Medium Cutting, 1-6 inches((-.....-))	4 or 5
Heavy Cutting, over 6 inches((-.....-))	5 or 6
Light Gas Welding, up to 1/8 inch((-.....-))	4 or 5
Medium Gas Welding, 1/8-1/2 inch((-.....-))	5 or 6
Heavy Gas Welding, over 1/2 inch((-.....-))	6 or 8

Operation	Shade No.
Shielded Metal-Arc Welding 1/16 to 5/32-inch electrodes((- .....-))	10
Inert Gas Metal-Arc Welding (nonferrous) 1/16 to 5/32-inch electrodes((- .....-))	11
Shielded Metal-Arc Welding: 3/16 to 1/4-inch electrodes((- .....-))	12
5/16 and 3/8-inch electrodes((- .....-))	14

**AMENDATORY SECTION** (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

**WAC 296-56-60237 Spray painting.** (1) ~~((Scope-))~~

This section covers painting operations connected with maintenance of structures, equipment and gear at the marine terminal and of transient equipment serviced at the terminal. It does not apply to overall painting of terminal structures under construction, major repair or rebuilding of terminal structures, or portable spraying apparatus not used regularly in the same location.

(2) ~~((Definitions.~~

(a) ~~"Spraying area" means any area where flammable vapors, mists or combustible residues, dusts or deposits may be present due to paint spraying operations.~~

(b) ~~"Spray booth" means an enclosure containing a flammable or combustible spraying operation and confining and limiting the escape of paint, vapor and residue by means of a powered exhaust system.~~

(c) ~~"Approved" means, for the purpose of this section, that the equipment has been approved for the specified use by a nationally recognized testing laboratory.)~~ For the purpose of this section, approved means that the equipment has been approved for the specified use by a nationally recognized testing laboratory.

(3) You must meet the following spray painting requirements for indoor and outdoor spraying areas and booths(-):

(a) Shut-off valves, containers or piping with attached hoses or flexible connections ~~((shall))~~ must have shut-off valves closed at the connection when not in use.

(b) Pumps used to transfer paint supplies ~~((shall))~~ must have automatic pressure-relieving devices.

(c) Hoses and couplings ~~((shall))~~ must be inspected before use. Hoses showing deterioration, leakage or weakness in the carcass or at the couplings ~~((shall))~~ must be removed from service.

(d)~~((+))~~ No open flame or spark-producing equipment ~~((shall))~~ must be within twenty feet (6.1 m) of a spraying area unless it is separated from the spraying area by a fire-retardant partition.

~~((+))~~ (i) Hot surfaces ~~((shall))~~ must not be located in spraying areas.

~~((+))~~ (ii) Whenever combustible residues may accumulate on electrical installations, wiring ~~((shall))~~ must be in rigid conduit or in boxes containing no taps, splices or connections.

~~((+))~~ (iii) Portable electric lights ~~((shall))~~ must not be used during spraying operations. Lights used during cleaning

or repairing operations ~~((shall))~~ must be approved for the location in which they are used.

(e) When flammable or combustible liquids are being transferred between containers, both containers ~~((shall))~~ must be bonded and grounded.

~~((+))~~ (f) Spraying ~~((shall))~~ must be performed only in designated spray booths or spraying areas.

~~((+))~~ (i) Spraying areas ~~((shall))~~ must be kept as free from combustible residue accumulations as practical.

~~((+))~~ (ii) Residue scrapings, debris, rags, and waste ~~((shall))~~ must be removed from the spraying area as they accumulate.

(g) Spraying with organic peroxides and other dual-component coatings ~~((shall))~~ must only be conducted in sprinkler-equipped spray booths.

(h) Only the quantity of flammable or combustible liquids required for the operation ~~((shall))~~ must be allowed in the spraying area, and in no case ~~((shall))~~ must the amount exceed a one-day supply.

(i) Smoking ~~((shall))~~ must be prohibited and "No Smoking" signs ~~((shall))~~ must be posted in spraying and paint storage areas.

(4) You must meet these additional requirements for spraying areas and spray booths(-):

(a) Distribution or baffle plates ~~((shall))~~ must be of non-combustible material and ~~((shall))~~ must be removable or accessible for cleaning. They ~~((shall))~~ must not be located in exhaust ducts.

(b) Any discarded filter ~~((shall))~~ must be removed from the work area or placed in water.

(c) Filters ~~((shall))~~ must not be used when the material being sprayed is highly susceptible to spontaneous heating and ignition.

(d) Filters ~~((shall))~~ must be noncombustible or of an approved type. The same filter ~~((shall))~~ must not be used when spraying with different coating materials if the combination of materials may spontaneously ignite.

(e) Spraying areas ~~((shall))~~ must be mechanically ventilated for removal of flammable and combustible vapor and mist.

(f) Mechanical ventilation ~~((shall))~~ must be in operation during spraying operations and long enough thereafter to exhaust hazardous vapor concentrations.

(g) Rotating fan elements ~~((shall))~~ must be nonsparking or the casing ~~((shall))~~ must consist of or be lined with non-sparking material.

(h) Piping systems conveying flammable or combustible liquids to the spraying booth or area ~~((shall))~~ must be made of metal and be both electrically bonded and grounded.

(i) Air exhausted from spray operations ~~((shall))~~ must not contaminate makeup air or other ventilation intakes. Exhausted air ~~((shall))~~ must not be recirculated unless it is first cleaned of any hazardous contaminants.

(j) Original closed containers, approved portable tanks, approved safety cans or a piping system ~~((shall))~~ must be used to bring flammable or combustible liquids into spraying areas.

(k) If flammable or combustible liquids are supplied to spray nozzles by positive displacement pumps, the pump discharge line ~~((shall))~~ must have a relief valve discharging

either to a pump section or detached location, or the line ((shall)) must be equipped with a device to stop the prime mover when discharge pressure exceeds the system's safe operating pressure.

(l) Wiring, motors and equipment in a spray booth ((shall)) must be of approved explosion-proof type for Class I, Group D locations and conform with the requirements of chapter 296-24 WAC Part L for Class I, Division 1, Hazardous Locations. Wiring, motors and equipment within twenty feet (6.1 m) of any interior spraying area and not separated by vapor-tight partitions ((shall)) must not produce sparks during operation and ((shall)) must conform to the requirements of chapter 296-24 WAC Part L for Class I, Division 2, Hazardous Locations.

(m) Outside electrical lights within ten feet (3.05 m) of spraying areas and not separated from the areas by partitions ((shall)) must be enclosed and protected from damage.

(5) You must meet these additional requirements for spray booths(-):

(a) Spray booths ((shall)) must be substantially constructed of noncombustible material and have smooth interior surfaces. Spray booth floors ((shall)) must be covered with noncombustible material. As an aid to cleaning, paper may be used to cover the floor during painting operations if it is removed after the painting is completed.

(b) Spray booths ((shall)) must be separated from other operations by at least 3 feet (0.91 m) or by fire-retardant partitions or walls.

(c) A space of at least 3 feet (0.91 m) on all sides of the spray booth ((shall)) must be maintained free of storage or combustible materials.

(d) Metal parts of spray booths, exhaust ducts, pipings, airless high-pressure spray guns and conductive objects being sprayed ((shall)) must be grounded.

(e) Electric motors driving exhaust fans ((shall)) must not be located inside booths or ducts.

(f) Belts ((shall)) must not enter ducts or booths unless the belts are completely enclosed.

(g) Exhaust ducts ((shall)) must be made of steel, ((shall)) must have sufficient access doors to permit cleaning, and ((shall)) must have a minimum clearance of 18 inches (0.46 m) from combustible materials. Any installed dampers ((shall)) must be fully opened when the ventilating system is operating.

(h) Spray booths ((shall)) must not be alternately used to spray different types of coating materials if the combination of the materials may spontaneously ignite unless deposits of the first material are removed from the booth and from exhaust ducts before spraying of the second material begins.

AMENDATORY SECTION (Amending WSR 92-22-067, filed 10/30/92, effective 12/8/92)

**WAC 296-56-60239 Compressed air.** You must make sure employees ((shall be)) are protected by appropriate eye protection and personal protective equipment complying with the requirements of WAC 296-56-60109 through 296-56-60115 during cleaning with compressed air. Compressed air used for cleaning ((shall)) must not exceed a pressure of

thirty p.s.i. Compressed air ((shall)) must not be used to clean employees.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60241 Air receivers.** (1) ((Application-)) This section applies to compressed air receivers and equipment used for operations such as cleaning, drilling, hoisting and chipping. It does not apply to equipment used to convey materials or in transportation applications such as railways, vehicles or cranes.

(2) You must meet the following requirements for gauges and valves(-):

(a) Air receivers ((shall)) must be equipped with indicating pressure gauges and spring-loaded safety valves. Safety valves ((shall)) must prevent receiver pressure from exceeding one hundred ten percent of the maximum allowable working pressure.

(b) No other valves ((shall)) must be placed between air receivers and their safety valves.

AMENDATORY SECTION (Amending WSR 04-11-066, filed 5/18/04, effective 7/1/04)

**WAC 296-56-60243 Fuel handling and storage.** (1) You must meet the following requirements for liquid fuel(-):

(a) Only designated persons ((shall)) must conduct fueling operations.

(b) In case of spillage, filler caps ((shall)) must be replaced and spillage disposed of before engines are started.

(c) Engines ((shall)) must be stopped and operators ((shall)) must not be on the equipment during refueling operations.

(d) Smoking and open flames ((shall)) must be prohibited in areas used for fueling, fuel storage or enclosed storage of equipment containing fuel.

(e) Equipment ((shall)) must be refueled only at designated locations.

(f) Liquid fuels not handled by pump ((shall)) must be handled and transported only in portable containers designed for that purpose. Portable containers ((shall)) must be metal, have tight closures with screw or spring covers and ((shall)) must be equipped with spouts or other means to allow pouring without spilling. Leaking containers ((shall)) must not be used.

(g) Flammable liquids ((shall)) must only be dispensed in the open from a tank or from other vehicles equipped for delivering fuel to another vehicle if:

(i) Dispensing hoses do not exceed fifty feet (15.24 m) in length; and

(ii) Any powered dispensing nozzles are of the automatic-closing type.

(h) Liquid fuel dispensing devices ((shall)) must be provided with an easily accessible and clearly identified shutoff device, such as a switch or circuit breaker, to shut off the power in an emergency.

(i) Liquid fuel dispensing devices, such as pumps, ((shall)) must be mounted either on a concrete island or be otherwise protected against collision damage.

(2) You must meet these requirements for liquefied gas fuels(-): See WAC 296-24-475 through 296-24-47517.

(a) Fueling locations.

(i) Liquefied gas powered equipment ~~((shall))~~ must be fueled only at designated locations.

(ii) Equipment with permanently mounted fuel containers ~~((shall))~~ must be charged outdoors.

(iii) Equipment ~~((shall))~~ must not be fueled or stored near underground entrances, elevator shafts or other places where gas or fumes might accumulate.

(b) Fuel containers.

(i) When removable fuel containers are used, the escape of fuel when containers are exchanged ~~((shall))~~ must be minimized by:

(A) Automatic quick-closing couplings (closing in both directions when uncoupled) in fuel lines; or

(B) Closing fuel container valves and allowing engines to run until residual fuel is exhausted.

(ii) Pressure-relief valve openings ~~((shall))~~ must be in continuous contact with the vapor space (top) of the cylinder.

(iii) Fuel containers ~~((shall))~~ must be secured to prevent their being jarred loose, slipping or rotating.

(iv) Containers ~~((shall))~~ must be located to prevent damage to the container. If located within a compartment, that compartment ~~((shall))~~ must be vented. Containers near the engine or exhaust system ~~((shall))~~ must be shielded against direct heat radiation.

(v) Container installation ~~((shall))~~ must provide the container with at least the vehicle's road clearance under maximum spring deflection, measured from the bottom of the container or to the lowest fitting on the container or housing, whichever is lower.

(vi) Valves and connections ~~((shall))~~ must be protected from contact damage. Permanent protection ~~((shall))~~ must be provided for fittings on removable containers.

(vii) Defective containers ~~((shall))~~ must be removed from service.

(c) Fueling operations(-): See WAC 296-24-47517.

(i) Fueling operations for liquefied gas fuels ~~((shall))~~ must also comply with the requirements of subsection (1) of this section.

(ii) Using matches or flames to check for leaks is prohibited.

(iii) Containers ~~((shall))~~ must be examined before recharging and again before reuse for the following:

(A) Dents, scrapes and gouges of pressure vessels;

(B) Damage to valves and liquid level gauges;

(C) Debris in relief valves;

(D) Leakage at valves or connections; and

(E) Deterioration or loss of flexible seals in filling or servicing connections.

(d) Fuel storage. See WAC 296-24-47517(6).

(i) Stored fuel containers ~~((shall))~~ must be located to minimize exposure to excessive temperatures and physical damage.

(ii) Containers ~~((shall))~~ must not be stored near exits, stairways or areas normally used or intended for egress.

(iii) Outlet valves of containers in storage or transport ~~((shall))~~ must be closed. Relief valves ~~((shall))~~ must connect with vapor spaces.

(e) Vehicle storage and servicing.

(i) Liquefied gas fueled vehicles may be stored or serviced inside garages or shops only if there are no fuel system leaks.

(ii) Liquefied gas fueled vehicles under repair ~~((shall))~~ must have container shut-off valves closed unless engine operation is necessary for repairs.

(iii) Liquefied gas fueled vehicles ~~((shall))~~ must not be parked near open flames, sources of ignition or unventilated open pits.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60245 Battery charging and changing.**

(1) You must make sure only designated persons ~~((shall))~~ change or charge batteries.

(2) You must make sure battery charging and changing ~~((shall be))~~ is only performed ~~((only))~~ in areas you have designated ~~((by the employer))~~ for battery charging and changing.

(3) You must prohibit smoking and other ignition sources ~~((are prohibited))~~ in charging areas.

(4) You must make sure filler caps ~~((shall be))~~ are in place when batteries are being moved.

(5) You must apply parking brakes ~~((shall be applied))~~ before batteries are charged or changed.

(6) You must make sure when a jumper battery is connected to a battery in a vehicle, the ground lead ~~((shall))~~ must connect to ground away from the vehicle's battery. Ignition, lights and accessories on the vehicle ~~((shall))~~ must be turned off before connections are made.

(7) You must make sure batteries ~~((shall be))~~ are free of corrosion buildup and cap vent holes ~~((shall be))~~ are open.

(8) You must provide adequate ventilation ~~((shall be provided))~~ during charging.

(9) You must provide facilities for flushing the eyes, body and work area with water ~~((shall be provided))~~ whenever electrolyte is handled, except when employees are only checking battery electrolyte levels or adding water.

(10) You must use carboy tilters or siphons ~~((shall be used))~~ to handle electrolyte in large containers.

(11) You must insulate or otherwise protect battery handling equipment which could contact battery terminals or cell connectors ~~((shall be insulated or otherwise protected)).~~

(12) You must make sure metallic objects ~~((shall not be))~~ are not placed on uncovered batteries.

(13) You must make sure vent caps are in place when batteries are being charged ~~((, the vent caps shall be in place)).~~

(14) You must turn off chargers ~~((shall be turned off))~~ when leads are being connected or disconnected.

(15) You must secure installed batteries ~~((shall be secured))~~ to avoid physical or electrical contact with compartment walls or components.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

**WAC 296-56-60247 Prohibited operations.** (1) You must make sure spray painting and abrasive blasting opera-

tions (~~shall not be~~) are not conducted in the vicinity of cargo handling operations.

(2) You must make sure welding and burning operations (~~shall not be~~) are not conducted in the vicinity of cargo handling operations unless such hot work is part of the cargo operation.

AMENDATORY SECTION (Amending WSR 88-14-108, filed 7/6/88)

**WAC 296-56-60249 Petroleum docks.** (1) You must equip pipe lines which transport petroleum liquids from or to a wharf (~~shall be equipped~~) with valves on shore, so located as to be readily accessible and not endangered by fire on the wharf.

(2) You must provide drip pans, buckets, or other means (~~shall be provided and shall~~) that must be used to prevent oil spillage upon wharves during loading, disconnecting and draining hoses. After transfer is completed the contents of drip pans and buckets (~~shall~~) must be removed and taken to a place of disposal.

(3) You must make sure package goods, freight or ship stores (~~shall not be~~) are not swing-loaded or unloaded during the bulk handling of oils or other flammable liquids in such a manner that the swing-loads will endanger the hose.

(4) You must make sure water lights for use at petroleum wharves (~~shall be~~) are a type which does not create a source of ignition.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60251 Boat marinas.** (1) You must inspect all hoisting equipment including derricks, cranes, or other devices used for boat launching, handling cargo, or supplies (~~shall be inspected~~) once a month. Records of this inspection (~~shall~~) must be made available upon request.

(2) Floating docks are not required to have bull rails unless lift trucks or other power driven equipment is used on the dock.

(3) You must post "No smoking" signs (~~shall be posted~~) in areas where fueling or flammable material is present.

(4) You must store flammable material or petroleum products (~~shall be stored~~) in a fireproof storage room or shed.

(5) You must clean slippery surfaces (~~shall be cleaned~~) and nonslip material (~~shall~~) must be used if necessary.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

**WAC 296-56-60253 Canneries and cold storage docks.** (1) You must inspect hoisting equipment used to load or unload cargo or supplies of fishing vessels (~~shall be inspected~~) once a month certified in accordance with the requirements of WAC 296-56-60093. The record of inspection (~~shall~~) must be made available upon request.

(2) Slippery surfaces (~~shall~~) must be cleaned and nonslip material shall be used if necessary.

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-56-60005 Definitions.

## **Chapter 296-806 WAC**

### **MACHINE SAFETY**

#### NEW SECTION

**WAC 296-806-099 Definitions. Abrasive wheel.** A grinding tool consisting of bonded abrasive grains. This includes diamond and reinforced wheels.

**Adjustable barrier guard.** A barrier guard with provisions for adjustment to accommodate various jobs or tooling set-ups.

**Air-lift hammer.** A type of gravity drop hammer in which the ram is raised for each stroke by an air cylinder. Because the length of stroke can be controlled, ram velocity, and therefore the energy delivered to the work piece, can be varied.

**Antirepeat.** A device that limits the machine to a single stroke if the activating means is held in the operative position.

**Arbor.** A rotating shaft used for mounting and transmitting torque to a cutting tool.

**Authorized person.** Someone the employer has given the authority and responsibility to perform a specific assignment.

**Awareness barrier.** A barrier device that allows more access to the hazard area, but still restricts access enough to warn of an approaching hazard.

**Barricade.** A barrier such as a guardrail, fence, or other framework designed to prevent employee access and exposure to a hazard.

**Barrier guard.** A barrier that provides a physical restriction from a hazard.

**Belt conveyors.** An endless belt of any material, operating over suitable pulleys to move materials placed on the belt.

**Belt pole.** A device used in shifting belts on and off fixed pulleys on line or countershaft where there are no loose pulleys. Belt poles are sometimes called "belt shippers" or "shipper poles."

**Belt shifter.** A device for mechanically shifting belts from tight to loose idler pulleys or vice versa, or for shifting belts on cones of speed pulleys.

**Bench grinder.** A bench mounted off-hand grinding machine with either one or two wheels mounted on a horizontal spindle.

**Bending.** The application of stress concentrated at specific points to permanently turn, press or force from a straight, level or flat condition to a curved or angular configuration.

**Blade.** A replaceable tool having one or more cutting edges for shearing, notching or coping.

**Blanking.** To bypass a portion of the sensing field of a presence-sensing device. The purpose is to allow objects such as tooling, feed stock, and work pieces to pass through the

sensing field without sending a stop signal to the controlled machine. There are two blanking modes: Fixed and floating.

**Blind hole.** A hole drilled in an object, such as an abrasive wheel, that does not go all the way through the object.

**Blotter.** A compressible disc or washer, usually of blotting paper, plastic, cardboard, or gasket material, that is used between the wheel and the flanges to evenly distribute flange pressure on the wheel.

**Board hammer.** A type of gravity drop hammer where wood boards attached to the ram are raised vertically by action of contrarotating rolls, and then released. Energy for forging is obtained by the mass and velocity of the freely falling ram and the attached upper die.

**Bolster plate.** Plate attached to the press bed having holes, T-slots, or other means for attaching the lower die or die shoe.

**Brake.** Mechanism for stopping or preventing motion.

**Chain conveyor.** A conveyor in which one or more chains (including those with paddles or bars attached to them) move the conveyor. Specific examples of chain conveyors include drag, rolling, pusher bar, pusher chain and sliding chain conveyors.

**Channel blanking.** A feature that allows a safety light curtain system to be programmed to ignore objects. Also called "fixed blanking."

**Chipper.** A machine that cuts material into chips.

**Chuck.** A revolving clamp-like device used for holding and driving the work piece.

**Clutch.** A mechanism to couple the flywheel to the crankshaft. When engaged, it allows the driving force to be transmitted to the press slide.

**Comb.** See feather board.

**Concurrent.** Occurring at the same time.

**Cone pulley.** A pulley having two or more steps in a conical shape for driving machinery.

**Cone and plug wheels (Types 16, 17, 18, 18R, and 19).** Abrasive wheels manufactured with blind hole threaded bushings. They may be used on all surfaces except the flat mounting surface. Specific characteristics of the different cone and plug wheels are:

(a) Type 16 cones have a curved side with a nose radius.

(b) Type 17 cones have straight sides with or without a nose radius.

(c) Type 18 and 18R plug wheels are cylindrical in shape with either a square or curved grinding end.

(d) Type 19 cone wheels are a combination of cone and plug shapes.

**Control system.** Sensors, manual input and mode selection elements, interlocking and decision-making circuitry, and output elements of the press-operating devices and mechanisms.

**Coping-notching.** Where the edge or periphery of the work piece is sheared.

**Counterbalance.** Mechanism used to balance or support the weight of the connecting rods, slide, and slide attachments.

**Cutting-off wheels.** Abrasive wheels used to cut material such as masonry, pipe, etc.

**Cutting tool or saw blade.** A tool used on a metal sawing machine.

**Cycle.** The complete movement of the ram from its starting position and return to that same starting position.

**Dado.** A straight-sided groove, perpendicular to the face of the work piece, having a width greater than the thickness of a single saw blade.

**Device.** A control or attachment that is any of the following:

(a) Restrains the operator from inadvertently reaching into the hazardous area.

(b) Prevents normal or hazardous operation if any part of an individual's body is inadvertently within the hazardous area.

(c) Automatically withdraws the operator's hands, if the operator's hands are inadvertently within the hazardous area during the hazardous portion of the machine cycle.

(d) Maintains the operator or the operator's hands during the hazardous portion of the machine cycle at a safe distance from the hazardous area.

**Die or dies.** Tooling used in a press for shearing, punching, forming, drawing, or assembling metal or other material.

**Die enclosure guard.** Guard attached to the die shoe or stripper in a fixed position.

**Die setter.** A person who installs or removes dies from the press, and makes the necessary adjustments so the tooling functions properly and safely.

**Die setting.** Process of installing or removing dies, and adjusting the dies, other tooling and the safeguarding guards or devices.

**Die shoe.** Plate or block that a die holder is mounted on. It functions primarily as a base for the complete die assembly and, if used, is bolted or clamped to the bolster plate or the face of the slide.

**Die shut height.** Actual or design dimension between the mounting surfaces of a die.

**Divider.** A machine that mechanically divides the dough into pieces of predetermined volume or weight.

**Dough sheeter.** See **sheeter**.

**Dressed.** When material is removed from the cutting surfaces of an abrasive wheel to expose new sharp cutting surfaces.

**Drilling/boring machine.** A single or multiple spindle machine that uses a rotating cylindrical tool such as a drill, a counterboring tool, and similar tools to produce a hole, blind hole, counterbore, countersink, and similar cavities in work pieces. A work support means is provided to feed the tool into the work piece or the work piece into the tool.

**Dross.** Waste product or impurities formed on the surface of molten metal.

**Dump bin and blender.** That part of the flour handling system where the containers of flour are emptied.

**Face of the slide.** Surface of the slide to which the punch or upper die is generally attached.

**Feather board/comb.** A work-guiding and hold-down device consisting of stock with a series of spring-like fingers along the edge, set and positioned at an angle to the work piece.

**Feeding.** Placing material in or removing it from the point of operation.

**Fence.** A device used to locate and guide a work piece relative to the cutting tool.

**Fixed barricade.** A guard attached to a fixed surface used to enclose a hazardous area and prevent employees from placing any part of their body into the point of operation.

**Fixed barrier guard.** A guard attached to the frame, bolster, or other surface to enclose all or part of the point of operation or other hazard area.

**Fixed blade.** A stationary blade having one or more cutting edges.

**Fixed blanking.** A feature that allows a safety light curtain system to be programmed to ignore objects. Also called "channel blanking."

**Fixture/jig.** A device used to locate, hold, or clamp one or more work pieces in a desired position.

**Flanges.** Collars, discs, or plates between or against which wheels are mounted. There are four types of flanges:

- (a) Adaptor.
- (b) Sleeve.
- (c) Straight relieved.
- (d) Straight unrelieved.

**Floating blanking (floating window).** A feature that allows a safety light curtain system to be programmed to ignore the interruption of one or two beams within the light curtain. This allows the feeding of an object through the defined area at any point along the length of the curtain without causing it to produce a stop signal.

**Floorstand grinder.** A floor mounted, off-hand grinding machine with one or two wheels mounted on a horizontal spindle. The wheels are normally twenty-four inches or thirty inches in diameter and used for snagging operations.

**Forging.** Metal formed to a desired shape by impact or pressure in hammers, forging machines (upsetters), presses, rolls, and related forming equipment.

(a) Forging hammers, counterblow equipment, and high-energy-rate forging machines impart impact to the work piece, while most other types of forging equipment impart squeeze pressure in shaping the stock.

(b) Some metals can be forged at room temperature, but the majority of metals are made more plastic for forging with heat.

(c) Forged or drop forged parts are much stronger than poured or cast parts from foundries.

**Forging presses.** A class of forging equipment where the shaping of metal between dies is performed by mechanical or hydraulic pressure and usually is accomplished with a single workstroke of the press for each die station.

**Full revolution clutch.** Type of clutch that, when engaged, cannot be disengaged until the press has completed a single cycle (stroke).

**Gage.** See **miter gage**.

**Gap (throat).** An opening or recess in the frame of the machine to permit positioning of material or work pieces.

**Gate or movable barrier device.** Safeguarding device that encloses the point of operation before press motion can be initiated.

**Guard.** A barrier that does at least one of the following:

(a) Prevents the hands or other body part from reaching through, over, under, or around the guard into the hazard area.

(b) Prevents objects or debris from falling onto or being ejected towards an employee.

**Guard (abrasive wheels).** An enclosure designed to restrain the pieces of an abrasive wheel and furnish protection to the operator if the wheel is broken during operation.

**Guidepost.** The pin attached to the upper or lower die shoe. It operates within the bushing on the opposing die shoe to maintain the alignment of the upper and lower dies.

**Hazard.** A condition that could cause physical harm to a person.

**Hazard area.** An area or space that poses an immediate or impending physical hazard.

**Hog.** A machine used for cutting or grinding slabs and other coarse residue from the mill.

**Horizontal lathe.** A turning machine in which the work piece revolves about a horizontal axis. While the work is revolving, it is being shaped by cutting tools working either parallel to the axis of the work or at an angle to the axis of the work.

**Idler (pulley).** A pulley or roller on a shaft that presses against or rests on a drive belt to guide it or take up slack.

**Inch.** Die setting mode that engages the driving clutch so a small portion of one cycle (stroke) occurs, depending upon the length of time the operator control is held actuated.

**Indirect recirculating ovens.** Ovens that are equipped with a gas-tight duct system, a furnace, and a circulating fan.

(a) Combustion gases are circulated through this enclosed system and mixed with fresh combustion gases generated by the burner in the combustion chamber.

(b) A vent or overflow removes a portion of the gases to make room for the fresh gases added by the burner.

(c) No unburned gases or products of combustion enter the baking chamber.

**Interlocked barrier guard.** Barrier attached to the press frame and interlocked with the press control system so the press stroke cannot be started normally unless the guard, or its hinged or movable sections, enclose the point of operation.

**Inverted swing and jump saws.** Saws with a saw blade starting position below the table, where the blade must travel through the horizontal plane of the tabletop to make the cut on the stock.

**Ironworker.** A machine with multiple workstations at which various operations may be performed singly or simultaneously, including but not limited to:

- (a) Punching;
- (b) Shearing;
- (c) Notching;
- (d) Coping; and
- (e) Forming.

**Jig.** See **fixture**.

**Jog.** Die setting mode where intermittent motion is imparted to the slide by momentary operation of the drive motor after the flywheel is at rest and the clutch is engaged.

**Jointer.** A machine that has a cylindrical cutter head with more than one knife or cutting edge. It has an adjustable in-feed means of work support, or an adjustable cutter head or knives, as well as a fence or other work piece guide.

**Jump saw.** A machine that utilizes a means of work support and hold down, and has a powered arbor on an arm that pivots about a point located behind the saw arbor at approxi-



mately the same height. At rest position the saw blade is below the work piece. See **inverted swing and jump saws**.

**Kerf.** The slot made by a saw blade as it saws through a work piece.

**Kickback.** The uncontrolled propulsion or self-feed type action of a work piece in the direction of the rotation or travel of the working portion of the saw, cutting tool, sanding belt, or sanding head.

**Live roller conveyor.** A series of rollers with objects moving over them through power to all or some of the rollers. The power is usually transmitted by a belt or chain.

**Mandrel.** Tooling or a machine component used to provide internal support. It can be a spindle or shaft on which a tool is mounted, such as a drill bit.

**Manlift.** A device consisting of a power-driven endless belt moving in one direction only, and provided with steps or platforms and handholds attached to it for the transportation of personnel from floor to floor.

**Manual feeding.** The operator puts material or the part being processed into the press for each cycle (stroke).

**Maximum exposure angle.** The largest part of a wheel that does not need to be covered by a safety guard.

**Miter gage.** A device used as a work piece pusher, guided by a table groove.

**Miter saw.** A cutoff saw with a means of work support. It utilizes a powered arbor on an arm that pivots about a point located behind the saw arbor at approximately the same height. The saw arbor may also slide vertically. In the at-rest position, the saw blade is above the maximum capacity work piece.

**Mode.** The state or condition of the control system that allows specific operations of the machine.

**Modified Types 6 and 11 wheels (terrazzo).** Similar to Type 6 "straight cup" wheels and Type 11 "flaring cup" wheels except for the bottom of the cup. The bottom of the cup is flat in Type 6 and 11 wheels. The modified wheels have bottoms that are sloped downwards towards the mounting hole. These modified wheels need to be mounted using a special tapered flange furnished by the tool manufacturer. These wheels are used in the terrazzo trade.

**Molding machine.** A machine that uses more than one arbor-mounted cylindrical, rotating cutting tool. It also uses power feeding, where once a work piece is engaged, it carries the work piece linearly through the balance of the intended operations, without further operator action. Operations can be performed on all surfaces of a work piece. Work pieces can be hopper- or hand-loaded and are fed ribbon-style into the machine.

**Mortiser.** A machine designed to produce a square or rectangular cavity through use of a moving, forming, or reciprocating tool. Means are provided to clamp and support the stock, and either move the stock into the tool or the tool into the stock.

**Moulder.** A machine in which the dough pieces are shaped and formed prior to final proofing.

**Mounted wheels.** Bonded abrasive wheels of various shapes, usually two inches diameter or smaller, that are secured to plain or threaded steel shafts or mandrels.

**Movable barrier device.** See **gate or movable barrier device**.

**Nip-point belt and pulley guard.** A guard that encloses the pulley and has rounded or rolled edge slots for the belt to pass through.

**Off-hand grinding.** Grinding of a work piece that is held in the operator's hand.

**Overland conveyor.** A single or series of belt conveyors designed to carry bulk material long distances, usually following the general contour of the land.

**Part revolution clutch.** Type of clutch that can be disengaged before the press slide completes a full stroke.

**Pedestal grinder.** An off-hand grinding machine similar to a bench grinder mounted on or otherwise attached to a floor-mounted pedestal.

**Pinch point.** Any point, other than the point of operation, where it is possible for a part of the body to be caught between moving parts or between a moving part and stationary one.

**Planer.** A machine with at least one cylindrical cutter head, that includes one or more inserted knife or cutting edge. A planer has a cutter head mounted over a means of work support. It also uses either an adjustable work support or cutter head to size the stock. The work piece is usually power-fed.

**Point of operation.** The area on a machine where work is actually performed upon the material being processed.

**Power-driven hammers.** Types of drop hammers in which the ram is raised for each stroke by a double-action steam, air, or hydraulic cylinder, and the energy delivered to the work piece is supplied by the velocity and weight of the ram and attached upper die driven downward by steam, air, or hydraulic pressure. Energy delivered during each stroke may be varied.

**Power transmission parts.** The mechanical components of a piece of equipment that, together with a source of power (sometimes referred to as a prime mover), provide the motion to a part of a machine or piece of equipment.

**Presence-sensing device.** A device that creates a sensing field, area, or plane to detect the presence of an individual or object.

**Presence-sensing device initiation (PSDI).** Operating mode of a mechanical power press where a single cycle (stroke) is initiated by a presence-sensing device when it senses that the operator has finished feeding or removing parts and all parts of the operator's body are withdrawn from the sensing field of the device.

**Pull-back device.** A device attached to the operator's hands and connected to the upper die or slide of the press that will pull the operator's hands out of the point of operation as the dies close.

**Push block.** A nonmetallic device with one or more handles. A push block also has a flat bottom surface with either a heel or friction material on it, used as a hold-down and feed device. The purpose of this is to provide a safe distance between the hands and the cutting tool.

**Pusher-bar conveyor.** Two endless chains cross-connected at intervals by bars or pushers that propel the load along the bed or trough.

**Push stick.** A nonmetallic stick shaped device designed to provide a safe distance between the hands and the cutting tool. It has, as part of its design, a notched end with a heel and

toe to hold down and feed the work piece past the cutting tool.

**Racks.** Carriers of pans, panned dough and bakery products. They are usually constructed of metal and mounted on casters or provided with trolleys for use on a monorail system.

**Reinforced wheels.** Organic bonded abrasive wheels which have webbing, fabric or filament to provide resistance to complete breaking of the wheel should it become cracked or damaged.

**Repeat.** An unintended or unexpected successive stroke of the press resulting from a malfunction.

**Restraint device.** A device with attachments for the operator's hands and wrists that prevent the operator from reaching into the hazardous area.

**Return-belt idlers.** A roller that supports the return run of the conveyor belt.

**Ripping.** A sawing operation made through the thickness of the work piece with the grain of natural wood, along the long dimension of a rectangular work piece, and usually parallel to that edge on reconstituted wood products. Two or more pieces result from the operation.

**Rivet-making machines.** The same as upsetters and bolt-headers when producing rivets with stock diameter of one inch or more.

**Riving knife.** See **spreader**.

**Safeguarding by distance.** Employees are kept far enough from a hazard that they will not contact or be injured by the hazard.

**Safeguarding by location.** Because of its location, no employee can inadvertently come in contact with a hazard during operation, maintenance, or servicing.

**Safeguarding device.** See **device**.

**Safety block.** A prop inserted between the upper and lower dies or between the bolster plate and the face of the slide to prevent the slide from falling of its own weight.

**Safety cylinder.** This safety device may be of the direct cushion type integral with the main cylinder or it may be of the separate cushion type whereby a constant supply of live steam or air is applied behind a separate piston adjacent to the main cylinder. A spring, suitably constrained, may also be employed.

**Safety cylinder head.** An air cushion at the top of the hammer, just below the head, to protect the head from damage by the piston.

**Scale.** Any layer or leaf of metal resembling the scale of a fish in size and thinness; such as a scale of iron.

**Screw conveyor.** A screw or auger that revolves in a suitably shaped trough or casing, used to move material in one specific direction.

**SFPM.** See **surface feet per minute**.

**Shaper.** A machine that uses one or more vertical spindles that are either fixed or able to be tilted, usually with an arbor mounted rotating cylindrical cutter, to form decorative or functional forms on a manually or power-fed work piece. The work piece is supported on a stationary or moving table. A guide, fixture, or template is used to control the operation. The spindle can be mounted above or below the work support means.

**Sheeter.** A machine that forms dough into a sheet by compression through one or more sets of driven rolls.

**Sifter.** A device that sifts flour. Sifter types are brush, oscillating, or vibrating.

**Single stroke mechanism.** Used on a full revolution clutch to limit the travel of the slide to one complete stroke at each engagement of the clutch.

**Slat and roller slat conveyor.** A conveyor employing one or more endless chains to which nonoverlapping, noninterlocking, spaced slats are attached.

**Slide.** Part of the press that moves back and forth in a straight line. Also called a ram, plunger, or platen.

**Snagging.** Grinding which removes relatively large amounts of material without regard to close tolerances or surface finish.

**Spreader.** A flat metal device slightly narrower than the saw kerf. It is designed to prevent the saw blade kerf in the work piece from closing on the sides of the blade during a sawing operation.

**Steam hammers.** A type of drop hammer where the ram is raised for each stroke by a double-action steam cylinder and the energy delivered to the work piece is supplied by the velocity and weight of the ram and attached upper die driven downward by steam pressure. Energy delivered during each stroke may be varied.

**Stripper.** A mechanism or die part for removing parts or material from the punch.

**Surface feet per minute (SFPM).** A measure of the speed of a point on the periphery (outer edge) of an abrasive wheel. It is calculated using the formula:

$$\text{SFPM} = .262 \times \text{diameter of the wheel (in inches)} \times \text{RPM (revolutions per minute)}$$

**Example:**

Wheel diameter = 24 inches

Spindle speed = 1000 RPM

$$\text{SFPM} = .262 \times 24 \times 1000 = 3,144 \text{ SFPM}$$

**Sweep device.** A single or double arm (rod) attached to the upper die or slide of the press that is designed to move the operator's hands to a safe position as the dies close. Sweep devices are not allowed for point-of-operation safeguarding.

**Swing saw/overhead swing cutoff saw.** A machine with a means of work support using a powered arbor and circular saw blade that pivots about a point located above the saw arbor.

**Tenoning machine.** A machine designed to use two or more cylindrical cutters, or one or two circular saws, to size or prepare (or both) the ends of a work piece. The work piece is supported on a table or conveying means. A means for clamping the work piece is provided.

**Terrazzo.** A material of stone chips, such as marble, set in mortar and polished.

**Threaded hole wheels.** Abrasive wheels that have one central threaded bushing, securely anchored in place. They are mounted by being screwed onto a threaded machine spindle so that the wheel back seats firmly against an unrelieved flat back flange.

**Tongs.** Metal holder used to handle hot or cold forgings.

**Tongue guard.** An integral part of a safety guard that is located where the upper exposed part of the abrasive wheel meets the safety guard. It can be adjusted as necessary to

maintain a set distance from the constantly decreasing diameter of the wheel.

**Tooling.** Elements for guiding or imparting a desired configuration to the material.

**Top grinding.** Grinding done above the horizontal centerline of the wheel.

**Towed conveyor.** An endless chain supported by trolleys from an overhead track or running in a track on the floor with means for towing floor-supported trucks, dollies, or carts.

**Trimming presses.** A class of auxiliary forging equipment that removes flash (metal splash) or excess metal from a forging. This trimming operation can also be done cold, as in can coining, a product-sizing operation.

**Trip (or tripping).** Momentary actuation of the activation control to initiate the cycle (stroke).

**Trued.** When the cutting surfaces of an abrasive wheel have been reshaped to expose new sharp cutting surfaces.

**Turnover bar.** A bar used in die setting to manually turn the crankshaft of the press.

**Two-hand device.** A device that requires the concurrent use of both of the operator's hands to both initiate and continue the machine cycle during the hazardous portion of the machine cycle.

**Two-hand trip device.** A device that requires concurrent operation of the trip controls or levers by the operator's hands to initiate the machine cycle.

**Type A movable gate.** A device that encloses the hazardous area when the machine cycles and does not open until the end of the cycle.

**Type B movable gate.** A device that encloses the hazardous area when the machine cycles and opens when hazardous motion of the cycle is over. Type B devices are not allowed on full revolution type machinery.

**Type 1 wheel.** An abrasive wheel shaped like a disc with a mounting hole in the middle. Sometimes called a "straight wheel." It has diameter (D), thickness (T), and hole size (H) dimensions. Grinding is normally done on the periphery (outside curve) of the wheel (T dimension). Can be used for grinding, cutting-off, and tuck pointing.

**Type 2 wheel.** An abrasive wheel shaped like an open-ended, hollow cylinder. Sometimes called a cylinder wheel. It has diameter (measured from the outer wall of the cylinder), wheel thickness (height of the cylinder), and rim thickness (thickness of the cylinder wall). Grinding is done on the end of the cylinder (rim thickness dimension).

**Type 6 wheel.** An abrasive wheel shaped like a straight-sided cup or bowl with a mounting hole in the bottom of the cup. Sometimes called a "cup wheel." It has diameter (D), thickness (T), hole size (H), rim thickness (W), and back thickness (E) dimensions. Grinding is normally done on the cup rim (W dimension).

**Type 11 wheel.** An abrasive wheel shaped like a cup or bowl with a mounting hole in the bottom of the cup. The sides of the cup are not straight-sided but are angled outward. Sometimes called a "flaring cup wheel" since the sides are "flared" out. It has double diameter dimensions (top D and bottom J). It also has thickness (T), hole size (H), rim thickness (W) and back thickness (E) dimensions. Grinding is normally done on the cup rim (W dimension).

**Type 16, 17, 18, 18R, and 19 wheels.** See cone and plug wheels.

**Type 27 wheel.** An abrasive wheel similar to a Type 1 wheel, but the center of the wheel around the mounting hole is pushed back (depressed). Sometimes called a "depressed center" wheel. It has diameter (D), thickness (U) and hole size (H) dimensions. The depressed center allows grinding on the flat surface of the wheel without interference from the flange or mounting hardware.

**Type 27A cutting-off wheel.** Similar to a Type 27 wheel. Specifically designed for use on cutting-off machines.

**Type 28 wheel.** An abrasive wheel similar to a Type 27 wheel, but the face of the wheel is angled upward and away from the mounting hole. The face of a Type 27 wheel is flat and perpendicular to the mounting hole. A Type 28 wheel is also called a "depressed center" wheel. It has diameter (D), thickness (U) and hole size (H) dimensions. The depressed center allows grinding without interference from the mounting. A Type 28 wheel has a saucer-shaped grinding rim and is designed for corner grinding and side grinding.

**Type 29 wheel.** An abrasive wheel that has reversed, saucer-shaped grinding rims (similar to a partially opened umbrella).

**Unitized tooling.** A die that has the upper and lower members incorporated into a self-contained unit that holds the die members in alignment.

**Upsetters (or forging machines, or headers).** A type of forging equipment, related to the mechanical press, in which the main forming energy is applied horizontally to the work piece that is gripped and held by prior action of the dies.

**Wood products.** Wood products include wood and reconstituted wood products that generate chips or dust in the processing of a wood piece.

#### ~~(REQUIREMENTS FOR ALL MACHINES)~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

#### **WAC 296-806-200 ((Summary-)) Requirements for all machines.**

##### Summary

This section applies to all machines in your workplace. It is organized into the following four categories:

- ((\*) (1) General requirements.
- ((\*) (2) Safeguarding requirements.
- ((\*) (3) Safeguarding methods.
- ((\*) (4) Requirements for specific machine hazards.

**Reference:**

- ((\*) In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to determine if additional requirements are listed for machines or operations in your workplace:
- ((-) 1. Additional requirements for some machines and machine operations, WAC 296-806-400.
- ((\*) 2. For requirements that apply to hand-held tools, see Portable power tools, chapter 296-807 WAC.

##### **Your responsibility:**

To protect employees from machine hazards in your workplace.

~~((You must:))~~

## GENERAL REQUIREMENTS

## WORKPLACE

((Secure machines designed to stay in one place

~~WAC 296-806-20002.~~

Protect employees from slipping hazards around machinery

~~WAC 296-806-20004.~~

Arrange work areas to avoid creating hazards

~~WAC 296-806-20006.~~

## MACHINE CONTROLS AND OPERATION

Make sure operating controls meet these requirements

~~WAC 296-806-20008.~~

Protect employees from unintentional machine operation

~~WAC 296-806-20010.~~

Make sure emergency stop controls meet these requirements

~~WAC 296-806-20012.~~

Control machine vibration

~~WAC 296-806-20014.~~

Prevent overspeed conditions

~~WAC 296-806-20016.~~

Make sure hand feeding and retrieval tools meet these requirements

~~WAC 296-806-20018.~~

Protect employees who are adjusting or repairing machinery

~~WAC 296-806-20020.~~

## POWER TRANSMISSION PARTS

Keep power transmission parts in good working condition

~~WAC 296-806-20022.~~

Inspect power transmission parts

~~WAC 296-806-20024.~~

Protect employees lubricating moving machinery

~~WAC 296-806-20026.~~

## SAFEGUARDING REQUIREMENTS

## SAFEGUARD MACHINERY

Safeguard employees from the point of operation

~~WAC 296-806-20028.~~

Safeguard employees from nip or shear point hazards

~~WAC 296-806-20030.~~

Safeguard employees from rotating or revolving parts

~~WAC 296-806-20032.~~

Safeguard employees from reciprocating or other moving parts

~~WAC 296-806-20034.~~

Safeguard employees from flying objects

~~WAC 296-806-20036.~~

Safeguard employees from falling objects

~~WAC 296-806-20038.~~

Safeguard employees from hazards created by moving surfaces with hazards such as sharp edges, burrs, and protruding nails and bolts

~~WAC 296-806-20040.~~

## SAFEGUARDING METHODS

## Guards

Make sure guards meet these requirements

~~WAC 296-806-20042.~~

## Devices

Make sure devices meet these requirements

~~WAC 296-806-20044.~~

Make sure light curtains meet these requirements

~~WAC 296-806-20046.~~

Make sure pressure-sensitive mats meet these requirements

~~WAC 296-806-20048.~~

Make sure restraint or pullback devices meet these requirements

~~WAC 296-806-20050.~~

Make sure two hand devices meet these requirements

~~WAC 296-806-20052.~~

Make sure devices used with barrier guards meet these requirements

~~WAC 296-806-20054.~~

## Distance

Make sure safeguarding by distance meets these requirements

~~WAC 296-806-20056.~~

Make sure guardrails used for safeguarding meet these requirements

~~WAC 296-806-20058.~~

## REQUIREMENTS FOR SPECIFIC MACHINE HAZARDS

Fit arbors and mandrels to the machine

~~WAC 296-806-30002.~~

Safeguard belt and rope drives

~~WAC 296-806-30004.~~

Make sure belt or rope drives meet these requirements

~~WAC 296-806-30006.~~

Protect employees while shifting belts on belt and pulley drives

~~WAC 296-806-30008.~~

Make sure belt tighteners meet these requirements

~~WAC 296-806-30010.~~

Safeguard cams, connecting rods, tail rods, and extension piston rods

~~WAC 296-806-30012.~~

Safeguard chain and sprocket drives

~~WAC 296-806-30014.~~

Safeguard fan blades

~~WAC 296-806-30016.~~

Safeguard flywheels

~~WAC 296-806-30018.~~

Safeguard gears

~~WAC 296-806-30020.~~

Safeguard projections on moving parts

~~WAC 296-806-30022.~~

Safeguard pulleys

~~WAC 296-806-30024.~~

Make sure pulleys meet these requirements

~~WAC 296-806-30026.~~

Safeguard revolving drums, barrels, and containers

~~WAC 296-806-30028.~~

Safeguard shafting

~~WAC 296-806-30030.~~

Make sure shafting meets these requirements

~~WAC 296-806-30032.~~

Safeguard unused keyways

~~WAC 296-806-30034.~~

Make sure revolving collars meet these requirements

~~WAC 296-806-30036.~~

Safeguard counterweights  
WAC 296-806-30038-))

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Secure machines designed to stay in one place</u>	<u>WAC 296-806-20002</u>
<u>Protect employees from slipping hazards around machinery</u>	<u>WAC 296-806-20004</u>
<u>Arrange work areas to avoid creating hazards</u>	<u>WAC 296-806-20006</u>

~~((WORKPLACE))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20002 Secure machines designed to stay in one place.** ~~((You must:~~

\*) You must make sure machines designed to stay in one place are secured so they will not move or change position during use.

~~((Exemption:))~~ **EXEMPTION:** Machines that have either rubber feet or foot pads made of nonskid (high coefficient of friction) or similar vibration dampening materials do not have to be secured as long as the machine will not tip, fall over, or walk (move).

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20004 Protect employees from slipping hazards around machinery.** ~~((You must:~~

\*) You must make sure employees working around dangerous machines are protected from slipping on smooth, oily, or otherwise slippery floors by providing one of the following types of floor covering:

- ~~((-~~) (1) Nonslip matting.
- ~~((-~~) (2) Grating.
- ~~((-~~) (3) Nonslip composition flooring.
- ~~((-~~) (4) Some other effective floor treatment.

**Reference:** For additional requirements about housekeeping, personal protective equipment (PPE), and work practices, see the Safety and health core rules, chapter 296-800 WAC.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20006 Arrange work areas to avoid creating hazards.** ~~((You must:~~

\*) (1) You must make sure work areas around machinery are designed with enough space so each operator:

~~((-~~) (a) Can clean and handle material without interference from other workers or machines.

~~((-~~) (b) Does **not** have to stand in the way of passing traffic.

(\*) (2) You must provide enough space so employees can bring in and remove materials safely.

**Reference:** For requirements that apply to Aisles and passageways, see WAC 296-24-73505.

~~((MACHINE CONTROLS AND OPERATIONS))~~

NEW SECTION

**WAC 296-806-20007 Machine controls and operations.**

<u>You must meet the requirements...</u>	<u>in this section:</u>
Make sure operating controls meet these requirements	WAC 296-806-20008
Protect employees from unintentional machine operation	WAC 296-806-20010
Make sure emergency stop controls meet these requirements	WAC 296-806-20012
Control machine vibration	WAC 296-806-20014
Prevent overspeed conditions	WAC 296-806-20016
Make sure hand feeding and retrieval tools meet these requirements	WAC 296-806-20018
Protect employees who are adjusting or repairing machinery	WAC 296-806-20020

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20008 Make sure operating controls meet these requirements.**

~~((Exemption:))~~ **EXEMPTION:** This rule does not apply to constant pressure controls used only for setup.

~~((You must:))~~

(1) You must make sure each machine has a control that both:

(\*) (a) Stops the machine; ~~((AND~~ \*) and

(b) Can be reached by the operator without leaving the operator's position.

(2) You must make sure the operator can easily reach all machine controls without reaching into a hazard area of the machine.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20010 Protect employees from unintentional machine operation.** ~~((You must:))~~

(1) You must make sure foot-operated controls are located or guarded so that unintentional movement to the "ON" position is unlikely.

(2) You must make sure machines will **not** automatically restart when power is restored after a power failure, if restarting would create a hazard for employees.

**Note:** Operating controls can be protected from unintentional movement by methods such as covers on foot treadles and collars around machinery start buttons.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20012 Make sure emergency stop controls meet these requirements.** ~~((You must:~~

•)) You must make sure emergency stop controls, if required, meet **all** the following:

((-) (1) Are red in color.

((-) (2) Are easily reached from the operator's normal work position.

((-) (3) Are kept in a good working condition.

((-) (4) Have to be manually reset before a machine can be restarted.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20014 Control machine vibration.** ~~((You must:~~

•)) You must prevent excessive machine vibration that could create a hazard to employees.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20016 Prevent overspeed conditions.** ~~((You must:~~

•)) You must operate tools and equipment within their rated speed.

**Note:** Actions that could cause an overspeed condition include:

- ((•) 1. Installing a more powerful motor.
- ((•) 2. Changing or increasing the power source.
- ((•) 3. Changing attachment size or type, such as a blade or wheel.
- ((-) The attachment speed (rpm) and motor speed (rpm) should match.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20018 Make sure hand feeding and retrieval tools meet these requirements.** ~~((You must:~~

•)) You must make sure hand feeding and retrieval tools:

((-) (1) Are suitable for the work to be done.

((-) (2) Do not create a hazard when used.

((-) (3) Are of a size and shape that will keep the operator's hands outside the hazardous area.

((-) (4) Are constructed so they will not shatter if they come in contact with the machine tool or tooling.

**Note:** Hand feeding and retrieval tools, such as push sticks or push blocks, can **not** be used instead of required safeguarding, unless a specific machine requirement allows it.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20020 Protect employees who are adjusting or repairing machinery.**

~~((Exemption:))~~ This rule does not apply if the machine has to be in motion to properly adjust it.

~~((You must:~~ •)) You must make sure power-driven machinery is completely stopped before **either:**

((-) (1) Making adjustments or repairs; ~~((OR~~ -)) or

(2) Removing material or refuse from the machine.

**Reference:** For requirements about maintaining and servicing machinery where the unexpected start-up, energization, or release of stored energy could injure an employee are in Lockout/tagout (control of hazardous energy), chapter 296-803 WAC.

~~((POWER TRANSMISSION PARTS))~~

NEW SECTION

**WAC 296-806-20021 Power transmission parts.**

You must meet the requirements...	in this section:
Keep power transmission equipment in good working condition	WAC 296-806-20022
Inspect power transmission parts	WAC 296-806-20024
Protect employees lubricating moving machinery	WAC 296-806-20026

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20022 Keep power transmission equipment in good working condition.** ~~((Definition:~~

A power transmission part is a mechanical component of a system that provides motion to a part of a machine or piece of equipment.

~~You must:~~

•)) (1) You must make sure power transmission parts are kept in good working condition at **all** times.

((•) (2) You must keep bearings free from lost motion and well lubricated.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20024 Inspect power transmission parts.** ~~((You must:~~

•)) You must inspect power transmission parts **at least** once every sixty days to make sure that all:

((-) (1) Safeguarding meets the requirements of this chapter.

((-) (2) Parts are in proper alignment.

((-)) (3) Bolts and screws that hold power transmission parts together or support the system are tight.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20026 Protect employees lubricating moving machinery. ((You must:))**

(1) You must protect employees who lubricate moving machinery by:

((\*) (a) Providing tools, such as oil cans or grease guns, that have spouts or necks that are long enough to keep the employees' hands out of hazardous areas.

((\*) (b) Requiring employees to wear closely fitted clothing.

**Note:** Things such as clothing, hair, and jewelry can get caught in machinery and be a hazard on the job.

((~~You must:~~))

(2) You must make sure drip cups and pans are securely fastened to the machinery.

**((SAFEGUARDING REQUIREMENTS))**

NEW SECTION

**WAC 296-806-20027 Safeguarding requirements.**

You must meet the requirements...	in this section:
Safeguard employees from the point of operation	WAC 296-806-20028
Safeguard employees from nip or shear point hazards	WAC 296-806-20030
Safeguard employees from rotating or revolving parts	WAC 296-806-20032
Safeguard employees from reciprocating or other moving parts	WAC 296-806-20034
Safeguard employees from flying objects	WAC 296-806-20036
Safeguard employees from falling objects	WAC 296-806-20038
Safeguard employees from moving surfaces with hazards	WAC 296-806-20040

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20028 Safeguard employees from the point of operation.**

**((IMPORTANT:)) Important:**

If a specific safeguarding method in this chapter is required for machinery or machine parts found in your workplace, follow the specific requirement.

In the absence of a specific safeguarding method required by this or some other chapter, you need to choose a

method or combination of methods from the safeguarding requirements found in Safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:

((\*) 1. Guards.

((\*) 2. Devices.

((\*) 3. Safeguarding by distance.

((\*) 4. Safeguarding by location.

((~~You must:~~

\*) You must protect employees from hazards created by the point of operation by using one or more safeguarding methods.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20030 Safeguard employees from nip or shear point hazards. ((You must:**

\*) You must protect employees from hazards created by nip or shear points by using one or more safeguarding methods.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20032 Safeguard employees from rotating or revolving parts. ((You must:**

\*) You must protect employees from hazards created by rotating or revolving parts by using one or more safeguarding methods.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20034 Safeguard employees from reciprocating or other moving parts. ((You must:**

\*) You must protect employees from hazards created by reciprocating or other moving parts by using one or more safeguarding methods.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20036 Safeguard employees from flying objects. ((You must:**

\*) You must protect employees from hazards created by flying objects, including chips, sparks, and fluids by using one or more safeguarding methods.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20038 Safeguard employees from falling objects. ((You must:**

\*) You must protect employees from hazards created by falling objects by using one or more safeguarding methods.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20040 Safeguard employees from moving surfaces with hazards.** ~~((You must: \*~~

~~\*) You must~~ safeguard employees from hazards created by moving surfaces with hazards such as sharp edges, burrs, and protruding nails and bolts.

~~((SAFEGUARDING METHODS  
Guards))~~

NEW SECTION

**WAC 296-806-20041 Safeguarding methods.**

**Guards**

<b>You must meet the requirements...</b>	<b>in this section:</b>
Make sure guards meet these requirements	WAC 296-806-20042

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20042 Make sure guards meet these requirements.** ~~((You must: \*~~

~~\*) (1) You must~~ make sure guards do **not** create additional hazards such as sharp edges or pinch points between the guard and moving machine parts.

~~((\*) (2) You must~~ make sure guards are:

~~((-) (a) Made of durable materials.~~

~~((-) (b) Strong enough to withstand the forces to which they are exposed.~~

~~((-) (c) Securely fastened to the machine, if possible, or to the building structure if they cannot be attached to the machine.~~

~~((\*) (3) You must~~ make sure guards protect employees by doing **both** of the following:

~~((-) (a) Preventing hands or other body parts from reaching through, over, under, or around the guard into the hazard area; ~~((AND~~~~

~~-)) and~~

~~((b) Preventing objects or debris from falling onto or being thrown towards an employee.~~

~~((\*) (4) You must~~ make sure barrier guards:

~~((-) (a) Are properly installed, adjusted, and maintained.~~

~~((-) (b) Have no opening at any point larger than shown in Table 200-1, Largest Allowable Guard Opening.~~

**Reference:** Metal cutting shears are allowed to be guarded with properly applied awareness barrier safeguarding as described in ANSI B11.4-1993, Sections 6.3.3.

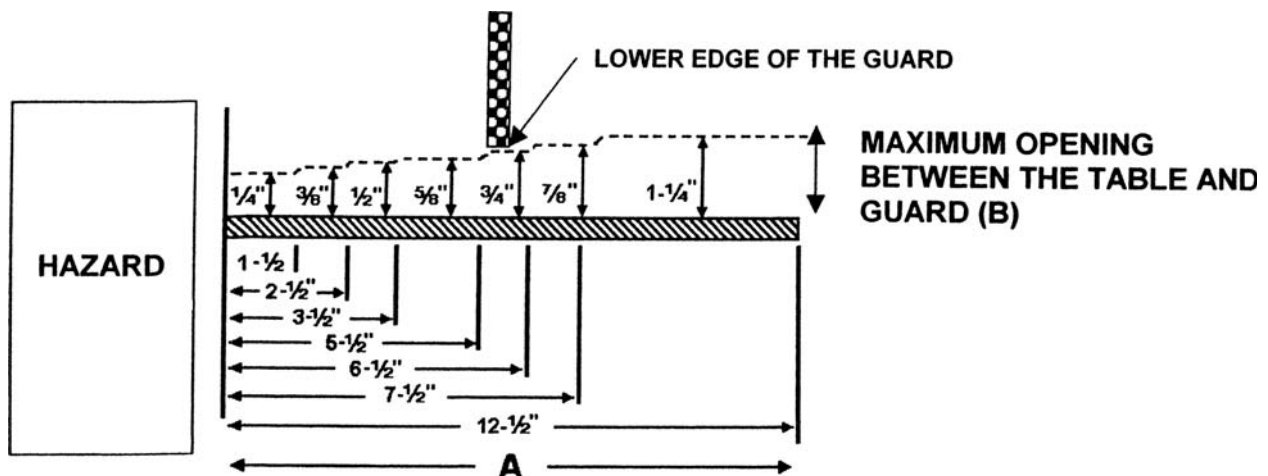
**Table 200-1**

**Largest Allowable Guard Opening (inches)**

<b>If the distance (A) from hazard to the guard is:</b>	<b>Then the opening (B) in the guard or between the table and the guard can NOT be greater than:</b>
1/2 to 1 1/2	1/4
1 1/2 to 2 1/2	3/8
2 1/2 to 3 1/2	1/2
3 1/2 to 5 1/2	5/8
5 1/2 to 6 1/2	3/4
6 1/2 to 7 1/2	7/8
7 1/2 to 12 1/2	1 1/4
12 1/2 to 15 1/2	1 1/2
15 1/2 to 17 1/2	1 7/8
17 1/2 to 31 1/2	2 1/8
Over 31 1/2	6

This diagram illustrates the information found in Table 200-1. The size of the opening in the guard, or between the bottom edge of the guard and the feed table is small enough to prevent any part of the operator's body from reaching the hazardous area.

**Illustration #1 - Distance from hazard to Guard (A)**





~~((DEVICES))~~

NEW SECTION

**WAC 296-806-20043 Devices.**

<b>You must meet the requirements...</b>	<b>in this section:</b>
Make sure devices meet these requirements	WAC 296-806-20044
Make sure light curtains meet these requirements	WAC 296-806-20046
Make sure pressure-sensitive mats meet these requirements	WAC 296-806-20048
Make sure restraint or pull-back devices meet these requirements	WAC 296-806-20050
Make sure two-hand devices meet these requirements	WAC 296-806-20052
Make sure devices used with barrier guards meet these requirements	WAC 296-806-20054

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20044 Make sure devices meet these requirements. ~~((You must:~~**

**\*) You must** make sure devices used to safeguard employees do either of the following:

((-) (1) Stop the motion of a moving part before an employee comes in contact with it and has to be manually reset before machines can be restarted; ~~((OR~~

-)) or

(2) Be designed and constructed to prevent the operator from having any part of their body in the danger zone during the hazardous part of the operating cycle.

**Reference:** For more information on installation of safety devices, see Performance criteria for safeguarding, ANSI B11.19-2003.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20046 Make sure light curtains meet these requirements.**

~~((IMPORTANT:))~~ **Important:**

All devices must meet the general requirements for devices found in, Make sure devices meet these requirements, WAC 296-806-20044.

~~((You must:~~

**\*) (1) You must** make sure light curtains, when used:

((-) (a) Respond to the presence of an operator's hand, other body part, or a work piece.

((-) (b) Have indicators that are easily seen by the operator showing when the device is functioning or has been bypassed.

**Note:** Even if a shiny reflective object or work piece is used with a light curtain or other electro-optical device, it should still respond to the operator's hand or other body part.

~~((You must:~~

**\*) (2) You must** make sure only authorized persons can make the following adjustments to light curtains:

((-) (a) Variations in operating conditions.

((-) (b) Fixed or channel blanking.

((-) (c) Floating blanking (sometimes referred to as floating channel or floating window features).

~~((\*) (3) You must~~ safeguard access to the point of operation that is **not** protected by light curtains.

**Reference:** For more information on light curtains and their requirements, see Performance criteria for safeguarding, ANSI B11.19-2003

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20048 Make sure pressure-sensitive mats meet these requirements.**

~~((IMPORTANT:))~~ **Important:**

All devices must meet the general requirements for devices found in, Make sure devices meet these requirements, WAC ~~((296-806-2004))~~ 296-806-20044.

~~((You must:~~

**\*) You must** make sure pressure-sensitive mats:

((-) (1) Detect the presence or absence of the operator or others.

((-) (2) Send the stop command and prevent successive machine cycles if any single component fails.

((-) (3) Are connected with the machine control system so the device's stop signal immediately stops action of the machine tool and requires use of the start control before the machine can begin another cycle.

((-) (4) Are located so that the operator ~~((can not))~~ **cannot** reach the recognized hazard before hazardous motion has stopped.

((-) (5) Have an indicator easily seen by the operator that shows the mat is operating.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20050 Make sure restraint or pull-back devices meet these requirements.**

~~((IMPORTANT:))~~ **Important:**

All devices must meet the general requirements for devices found in, Make sure devices meet these requirements, WAC 296-806-20044.

~~((You must:~~

**\*) You must** make sure restraint or pullback devices:

((-) (1) Prevent the operator from reaching into the point of operation or withdraw the operator's hands from the point of operation before motion of the machine creates a hazard.

((-) (2) Have fasteners, pins, and other items used to secure and maintain the setting of the device applied in a way that minimizes loosening, slipping, or failure during use.

((-)) (3) Are worn inside gloves, if used, so if a glove becomes trapped inside a machine or tool, the device can still remove the operator's hand from the hazard area.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20052 Make sure two-hand devices meet these requirements.**

~~((IMPORTANT))~~ **Important:**

All devices must meet the general requirements for devices found in, Make sure devices meet these requirements, WAC 296-806-20044.

~~((You must:~~

•)) You must make sure two-hand devices:

((-) (1) Protect each hand device against accidental operation.

((-) (2) Require simultaneous operation of both hand devices to begin the cycle, including the first cycle (automatic mode).

((-) (3) Are provided with an antirepeat feature when used in single cycle mode.

((-) (4) Have a set of devices for each operator if more than one needs to be safeguarded.

((-) (5) Are located far enough from the nearest hazard so the operator ~~((can not))~~ **cannot** reach the hazard before hazardous motion stops.

**Reference:** For more information on proper installation of safety devices, see Performance criteria for safeguarding, ANSI B11.19-2003.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20054 Make sure devices used with barrier guards meet these requirements.**

~~((IMPORTANT))~~ **Important:**

All devices must meet the general requirements for devices found in, Make sure devices meet these requirements, WAC 296-806-20044.

~~((You must:~~

•)) (1) You must make sure movable barrier devices:

((-) (a) Return to the open position if they encounter an obstruction while enclosing the hazardous area.

((-) (b) Are designed so the operator or others cannot reach the hazard by reaching over, under, around or through the device when it is in the closed position.

((•)) (2) You must make sure interlocks used with barrier guards do **all** of the following:

((-) (a) Stop hazardous motion of machines when interlocks are open.

((-) (b) Are **not** easily bypassed.

((-) (c) Are designed and installed so that closing the interlocks will not cause a hazard to employees.

~~((DISTANCE))~~

NEW SECTION

**WAC 296-806-20055 Distance.**

You must meet the requirements...	in this section:
Make sure safeguarding by distance meets these requirements	WAC 296-806-20056
Make sure guardrails used for safeguarding meet these requirements	WAC 296-806-20058

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20056 Make sure safeguarding by distance meets these requirements.** ~~((You must:~~

•)) You must make sure means used to safeguard by distance do both of the following:

((-) (1) Prevent parts or material from falling on employees below; ~~((AND~~

-)) and

(2) Separate employees on fixed ladders, stairs, floors, or other walking or working surfaces from the hazard by:

~~((•))~~ (a) More than seven feet vertically; ~~((OR~~

•)) or

(b) A horizontal distance that prevents employees from contacting or being injured by the hazard according to the distances in Table 200-2.

~~((TABLE 200-2~~

~~SAFE DISTANCES FROM FIXED BARRIERS TO HAZARDS))~~

Table 200-2 helps you identify either the required horizontal distance from the hazard to the barricade (B), or the required height of the barricade (C), as long as you know A and either variable, B or C.

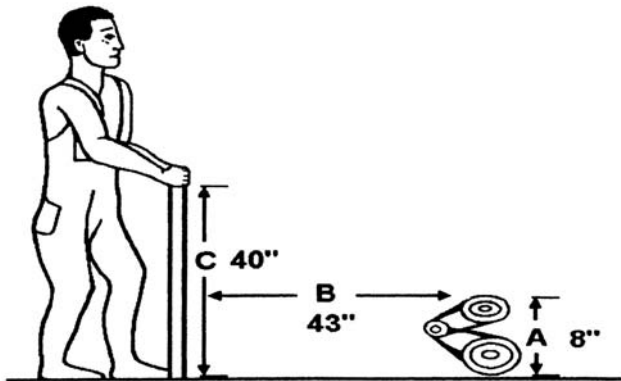
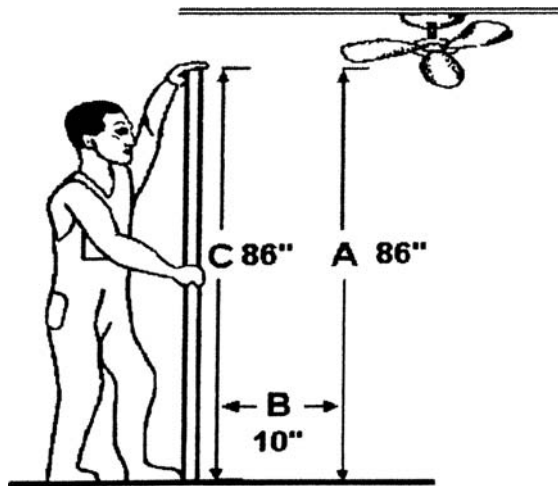
**Table 200-2  
Safe Distances for Fixed Barricades (B)**

Height of the Hazard (A)	Height of the Barricade (C)							
	96	86	78	71	63	55	48	40
96	0	4	4	4	4	4	4	4
86	....	10	14	16	20	20	24	24
78	....	....	14	20	24	28	36	43
71	....	....	....	24	36	36	40	43

Height of the Hazard (A)	Height of the Barricade (C)							
	.....	.....	.....	20	36	36	40	51
63	.....	.....	.....	4	32	36	40	51
55	.....	.....	.....	.....	20	36	40	55
48	.....	.....	.....	.....	12	36	40	55
40	.....	.....	.....	.....	.....	24	36	51
32	.....	.....	.....	.....	.....	.....	20	48
24	.....	.....	.....	.....	.....	.....	12	48
16	.....	.....	.....	.....	.....	.....	8	43
8	.....	.....	.....	.....	.....	.....	.....	.....

**Note:** The height and distance requirements of Table 200-2 are designed to safeguard workers from a fixed hazard. If a hazard involves flying chips, fluids, parts or materials, the barrier height, distance, and construction may need to be adjusted to provide adequate protection.

**Illustration 2 - How to measure variables for Table 2**



Examples:

((\*) (1) If the height of the hazard (A) is seventy-eight inches, and the horizontal distance from the hazard to the barricade (B) is fourteen inches, the required height of the barricade (C) is seventy-eight inches.

((\*) (2) If the height of the hazard (A) is eighty-six inches, and the height of the barricade (C) is fifty-five inches, then the required horizontal distance from the hazard to the barricade (B) is twenty inches.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-20058 Make sure guardrails used for safeguarding meet these requirements.**

**Note:** Guardrails may be used to safeguard:

- ((\*) 1. Flywheels.
- ((\*) 2. Cranks and connecting rods.
- ((\*) 3. Tail rods and extension piston rods.
- ((\*) 4. Horizontal belts in a power generating room.
- ((\*) 5. Clutches, cutoff couplings, or clutch pulleys in an engine room occupied only by an attendant.
- ((\*) 6. Power transmission parts on a runway used only for oiling, maintenance, running adjustment, or repair work.

**(You must:**

- ) (1) You must make sure top rails are:
  - ((-) (a) Smooth-surfaced.
  - ((-) (b) Strong enough to withstand a force of at least two hundred pounds.
  - ((-) (c) Between thirty-nine and forty-five inches above the floor, platform, runway, or ramp.
- ((\*) (2) You must make sure guardrails have an intermediate rail (midrail) installed approximately halfway between the top rail and the floor, platform, runway, or ramp.
- ((\*) (3) You must make sure rails do not extend beyond the end posts of the guardrail and create a projection hazard.
- ((\*) (4) You must make sure toe boards, if required by this chapter to safeguard a machinery hazard, are:
  - ((-) (a) At least four inches high.
  - ((-) (b) Securely fastened in place with no more than one-fourth inch between the bottom of the toe board and the floor, platform, runway, or ramp.
  - ((-) (c) Made of substantial material that is either solid or that has openings in the material no larger than one inch.

~~((REQUIREMENTS FOR SPECIFIC MACHINE HAZARDS))~~

NEW SECTION

**WAC 296-806-300 Requirements for specific machine hazards.**

You must meet the requirements...	in this section:
Fit arbors and mandrels to the machine	WAC 296-806-30002
Safeguard belt and rope drives	WAC 296-806-30004
Make sure belt or rope drives meet these requirements	WAC 296-806-30006
Protect employees while shifting belts on belt and pulley drives	WAC 296-806-30008
Make sure belt tighteners meet these requirements	WAC 296-806-30010
Safeguard cams, connecting rods, tail rods, and extension piston rods	WAC 296-806-30012
Safeguard chain and sprocket drives	WAC 296-806-30014
Safeguard fan blades	WAC 296-806-30016

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-30002 Fit arbors and mandrels to the machine.** ~~((You must:~~

•)) (1) You must make sure that arbors and mandrels:

- ((-) (a) Have firm and secure bearing.
- ((-) (b) Are free from play.

((\*) (2) You must only place or mount attachments on a machine arbor that have been accurately machined to the correct size and shape.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-30004 Safeguard belt and rope drives.**

~~((Exemption:))~~  
**EXEMPTION:**

- ((\*) 1. You do not need to safeguard the following types of belts when they are operating at two hundred and fifty linear feet per minute or less:
  - ((-) a. Flat belts that are:
    - ((\*) i. One inch wide or less.
    - ((\*) ii. Two inches wide or less and have no metal lacings or fasteners.
  - ((-) b. Round belts one-half inch or less in diameter.
  - ((-) c. Single-strand v-belts 13/32 inch wide or less.
- ((\*) 2. You do not need to safeguard belts that are in a room, vault, or similar space that contains only power transmission parts or equipment if the space:

- ((-) a. Is controlled by lock and key or has similarly restricted access that allows only authorized persons to enter.
- ((-) b. Is well lit.
- ((-) c. Has a dry, level, and firm floor.
- ((-) d. Has a well-marked route with a vertical clearance of at least five feet six inches for authorized employees to follow to perform their duties.
- ((\*) 3. You do not need to safeguard belt drives of light or medium duty sewing machines if **all** of the following apply:
  - ((-) a. It uses either a flat or a round belt without metal lacings and fasteners.
  - ((-) b. The belt is located above the table top.
  - ((-) c. The table top is designed so that employees near the machine are not exposed to motion hazards while they work or as they pass by.
  - ((-) d. The machine is not used to sew heavy materials such as leather, canvas, denim, or vinyl.
  - ((-) e. The operators' hands are not in, near, or on the wheel, nip point, belt area, or other motion hazard when the machine is operating.

**Reference:** You may need to follow additional requirements for sewing machines. See, Sewing machines, WAC 296-806-485, later in this chapter for more information.

~~((You must:~~

•)) (1) You must safeguard belt or rope drives that are seven feet or less above the floor or working surface.

**Reference:** In the absence of a specific safeguarding method, follow the safeguarding requirements found in safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:

- ((\*) 1. Guards.
- ((\*) 2. Devices.
- ((\*) 3. Safeguarding by distance.
- ((\*) 4. Safeguarding by location.

**Note:** You may use a nip point and pulley guard on a vertical or inclined belt if it meets **all** of the following requirements:

- ((\*) 1. Two and one-half inches wide or less.
- ((\*) 2. Running at a speed of less than one thousand feet per minute.
- ((\*) 3. Free from metal lacings or fastenings.

~~((You must:~~

•)) (2) You must safeguard overhead belts located more than seven feet above the floor or working surface if **any of the following** apply:

((-) (a) The belt is located over a passageway or work space and travels at a speed of eighteen hundred feet per minute or more.

((-) (b) The distance between the centers of its pulleys is ten feet or more.

((-) (c) The belt is wider than eight inches.

((\*) (3) You must safeguard the space between the upper and lower runs of a horizontal belt if there is enough room for an employee to pass between them by providing both:

((-) (a) A guard along the upper run to keep the belt from contacting the worker or anything they may be carrying;

~~((AND~~  
-)) and

(b) A platform over the lower run that has a railing that is completely filled in with wire mesh or other filler or by a solid barrier.

**Note:** The passage between the two belts is considered safeguarded if you completely block it with a guardrail or other barrier.

**~~(Exemption:)~~** In a power generating room, only the lower run of a horizontal belt has to be safeguarded.  
**EXEMPTION:**

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-30006 Make sure belt or rope drives meet these requirements. ~~(You must:)~~**

(1) You must use an idler when your machine uses a quarter-twist belt that can run in either direction.

(2) You must make sure, when it is necessary to apply dressing to moving belts or ropes, that you apply the dressing at a point where the belts or ropes leave the pulley.

(3) You must make sure that a belt shifted by hand is **not** fastened with metal or other material that creates a hazard.

(4) You must make sure a bearing support that is next to a friction clutch or cutoff coupling has self-lubricating bearings that do not need frequent attention.

(5) You must use a substantial belt perch, such as a bracket or roller, when it is not practical to use a loose pulley or idler to keep idle belts away from shafts.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-30008 Protect employees while shifting belts on belt and pulley drives.**

**~~(Exemption:)~~** A belt shifter is not required on a belt and pulley system if:  
**EXEMPTION:**

(\*) 1. It was installed on or before August 17, 1971;  
~~(OR)~~ or

(\*) 2. The belt and pulley drive meets **all** of these requirements:

~~(-)~~ a. The belt is endless or laced with rawhide.

~~(-)~~ b. A nip point guard in front of the cone safeguards the nip point of the belt and pulley.

~~(-)~~ c. The nip point guard extends at least to the top of the largest step of the cone and is formed to show the contour of the cone.

**~~(Definition:)~~** A nip point belt and pulley guard is a guard that encloses the pulley and has rounded or rolled edge slots for the belt to pass through.

**~~You must:)~~**

(1) You must provide a permanent mechanical belt shifter on belt drives that use either:

(\*) (a) Tight and loose (drive and idler) pulleys; ~~(OR~~  
~~\*)~~ or

(b) A cone pulley.

(2) You must protect employees from the nip point of the belt and pulley by either:

(\*) (a) The belt shifter or clutch handle; ~~(OR~~  
~~\*)~~ or

(b) A vertical guard in front of the pulley that extends at least to the top of the largest step of the cone.

(3) You must make sure a belt shifter or clutch handle is:

(\*) (a) Rounded to keep the operator from being injured.

(\*) (b) Easy to reach.

(\*) (c) Positioned to reduce the chance of being accidentally moved.

(\*) (d) Located either:

~~(-)~~ (i) Over the machine; ~~(OR~~  
~~-)~~ or

(ii) Not higher than six feet six inches above the floor.

(4) You must make sure each belt shifter or clutch handle of the same type in your workplace moves in the same direction to stop a machine, that is, either all right or all left.

**~~(Exemption:)~~** A friction clutch handle on a countershaft carrying two clutch pulleys with open and crossed belts is not required to move in the same direction as all other clutch handles or belt shifters if:

(\*) 1. The clutch handle has three positions; ~~(AND)~~  
and

(\*) 2. The machine is at rest when the clutch handle is in the center position.

**~~(You must:)~~**

(5) You must use a belt shifter to shift a belt on and off a fixed pulley. (\*) When a belt shifter cannot be used, you may use a belt pole if it is both:

~~(-)~~ (a) Smooth; ~~(AND~~  
~~-)~~ and

(b) Large enough to grasp securely.

**Note:** A belt pole is also known as a "belt shipper" or "shipper pole."

**~~(You must:)~~**

(6) You must provide a locking-type belt shifter or other positive securing device on woodworking machines driven by belts and shafting.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-30010 Make sure belt tighteners meet these requirements. ~~(You must:)~~**

~~\*)~~ (1) You must make sure belt tighteners:

~~(-)~~ (a) Are substantially constructed and securely fastened.

~~(-)~~ (b) Have bearings that are securely capped.

~~(-)~~ (c) Have a mechanism to prevent them from falling.

(\*) (2) You must make sure belt tighteners used to activate machinery are securely held in the "OFF" position by either:

~~(-)~~ (a) Gravity; ~~(OR~~  
~~-)~~ or

(b) An automatic mechanism that must be released by hand.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-30012 Safeguard cams, connecting rods, tail rods, and extension piston rods. ~~(You must:)~~**

~~\*)~~ (1) You must safeguard cams, connecting rods, tail rods, or extension piston rods that could be contacted by employees.

**Reference:** In the absence of a specific safeguarding method, follow the safeguarding requirements found in safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:  
 (•) 1. Guards.  
 (•) 2. Devices.  
 (•) 3. Safeguarding by distance.  
 (•) 4. Safeguarding by location.

~~((You must: •))~~ (2) You must make sure guardrails used to safeguard the side or ends of rods are at least fifteen inches away from the rod when it is fully extended.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-30014 Safeguard chain and sprocket drives.**

~~((Exemption:))~~ This section does not apply to hand-operated sprockets.  
**EXEMPTION:**

~~((You must: •))~~ (1) You must enclose chains and sprocket wheels that are seven feet or less above the floor or working surface.  
 (•) (2) You must make sure chain and sprocket drive enclosures that extend over machine or other working areas protect workers from falling drive parts.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-30016 Safeguard fan blades.**

**Reference:** In the absence of a specific safeguarding method, follow the safeguarding requirements found in safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:  
 (•) 1. Guards.  
 (•) 2. Devices.  
 (•) 3. Safeguarding by distance.  
 (•) 4. Safeguarding by location.

~~((Exemption:))~~ A fan is considered guarded if it meets all of the following requirements:  
 (-) 1. It is in a basement, tower, or room locked against unauthorized entrance.  
 (-) 2. The vertical clearance in passageways between the floor and power transmission beams, ceiling, or any other objects, is not less than five feet six inches.  
 (-) 3. The intensity of illumination must be a minimum of ten foot candles when the area is occupied.  
 (-) 4. The footing is dry, firm, and level.  
 (-) 5. The route followed by the oiler or authorized personnel is protected in such a manner as to prevent accident.  
 (-) 6. The periphery of the fan blade is covered by a shroud.

~~((You must: •))~~ (1) You must protect employees from exposure to the blades of any fan less than seven feet above the floor or working surface.

(•) (2) You must prevent rods, pipes, or other material being handled by workers, from contacting moving fan blades.

**Reference:** For guard opening requirements, see Table 200-1, Largest Allowable Guard Opening in, Make sure guards meet these requirements, WAC 296-806-20042.

~~((FLYWHEELS))~~

NEW SECTION

**WAC 296-806-30017 Flywheels.**

<b>You must meet the requirements...</b>	<b>in this section:</b>
Safeguard flywheels	WAC 296-806-30018
Safeguard gears	WAC 296-806-30020
Safeguard projections on moving parts	WAC 296-806-30022
Safeguard pulleys	WAC 296-806-30024
Make sure pulleys meet these requirements	WAC 296-806-30026
Safeguard revolving drums, barrels, and containers	WAC 296-806-30028
Safeguard shafting	WAC 296-806-30030
Make sure shafting meets these requirements	WAC 296-806-30032
Safeguard unused keyways	WAC 296-806-30034
Make sure revolving collars meet these requirements	WAC 296-806-30036
Safeguard counterweights	WAC 296-806-30038

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-30018 Safeguard flywheels.** ~~((You must: •))~~

•) (1) You must safeguard flywheels that have any part of the wheel seven feet or less above the floor or working surface with either:

(-) (a) An enclosure; ~~((OR~~  
 -)) or

(b) A guardrail, at least fifteen inches but no more than twenty inches from the rim.

(•) (2) You must make sure enclosures that safeguard flywheels located above a working area are strong enough to hold the weight of the wheel, if a shaft or wheel mounting fails.

(•) (3) You must provide a toeboard on guardrails used to safeguard flywheels that have any part of the wheel within twelve inches of the floor or working surface.

(•) You must do both of the following to safeguard spoked flywheels that are five feet or less in diameter with smooth rims, when enclosures or guardrails cannot be used:

((-)) (a) Cover the spokes on the exposed side of the wheel with a disk guard that creates a smooth surface and edge; (~~AND~~

-)) and

(b) Remove or cover keys or other dangerous projections on the wheel that are not covered by the disk guard.

**((Exemption:))** EXEMPTION: ((\*) 1. You may leave an open space of four inches or less between the outside edge of the disk guard and the rim of the spoked flywheel to make it easier to turn the wheel over.

((\*) 2. You may use an adjustable guard for the flywheel of a gasoline or diesel engine for starting the engine or for making running adjustments. A slot opening for a jack bar is permitted.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-30020 Safeguard gears. ((You must: \***  
**\*) You must** safeguard gears that are seven feet or less above the floor or working surface.

**Reference:** In the absence of a specific safeguarding method, follow the safeguarding requirements found in safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:

- ((\*) 1. Guards.
- ((\*) 2. Devices.
- ((\*) 3. Safeguarding by distance.
- ((\*) 4. Safeguarding by location.

**((Exemption:))** EXEMPTION: You do not need to guard hand-operated gears that are used only to adjust machine parts that stop when the gears are not being turned by hand.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-30022 Safeguard projections on moving parts. ((You must:**

\*) You must

 safeguard projections on moving parts such as keys, setscrews, bolts, and nuts, by:

- ((-) (1) Removing them.
- ((-) (2) Making them flush.
- ((-) (3) Guarding with metal covers.

**((Exemption:))** EXEMPTION: This requirement does not apply to keys or setscrews that are:

- ((\*) 1. Within an enclosure.
- ((\*) 2. Below the plane of the rim of a pulley that is less than twenty inches in diameter.
- ((\*) 3. Located where employee contact is not possible.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-30024 Safeguard pulleys. ((You must: \***  
**\*) You must** safeguard pulleys that have any part of the pulley seven feet or less above the floor or working surface.

**Reference:** In the absence of a specific safeguarding method, follow the safeguarding requirements found in safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:

- ((\*) 1. Guards.

- ((\*) 2. Devices.
- ((\*) 3. Safeguarding by distance.
- ((\*) 4. Safeguarding by location.

**((Exemption:))** EXEMPTION: You do not need to safeguard pulleys that are in a room, vault, or similar space that contain only power transmission parts or equipment if the space:

- ((\*) 1. Is controlled by lock and key or has similarly restricted access that allows only authorized persons to enter.
- ((\*) 2. Is well lit.
- ((\*) 3. Has a dry, level, and firm floor.
- ((\*) 4. Has a well-marked route with a vertical clearance of at least five feet six inches for authorized employees to follow to perform their duties.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-30026 Make sure pulleys meet these requirements. ((You must: \***

(1) You must make sure pulleys are designed and balanced for the speed at which they operate.

(2) You must make sure **not** to use pulleys that are cracked or have a piece broken out of the rim.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-30028 Safeguard revolving drums, barrels, and containers. ((You must:**

\*) You must

 safeguard revolving drums, barrels, or containers by an enclosure that is interlocked with the drive mechanism so that they cannot revolve unless the enclosure is in place.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-30030 Safeguard shafting.**

**((Exemption:))** EXEMPTION: You do not need to safeguard shafting that is in a room, vault, or similar space that contains only power transmission parts or equipment if the space:

- ((\*) 1. Is controlled by lock and key or has similarly restricted access that allows only authorized persons to enter.
- ((\*) 2. Is well lit.
- ((\*) 3. Has a dry, level, and firm floor.
- ((\*) 4. Has a well-marked route with a vertical clearance of at least five feet six inches for authorized employees to follow to perform their duties.

**((You must:**

\*) (1) You must enclose shafting that is seven feet or less above the floor or working surface.

((\*) (2) You must make sure projecting shaft ends either:

((-) (a) Have a smooth edge, smooth end, and project no more than one-half the diameter of the shaft; (~~OR~~

-)) or

(b) Are guarded by a nonrotating cap or safety sleeve.

((\*) (3) You must safeguard shafting under a bench or table by enclosing it in a stationary casing or by using a trough with sides that both:

((-)) (a) Cover the shafting to within six inches of the bottom of the table or to within six inches of the floor or working surface, whichever is appropriate; ~~((AND~~

-)) and

(b) Extend two inches beyond the end of the shafting.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-30032 Make sure shafting meets these requirements. ~~((You must:))~~**

(1) You must keep shafting free of:

((\*) (a) Excessive oil or grease.

((\*) (b) Rust or pitting from corrosion.

(2) You must secure shafting against excessive endwise movement.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-30034 Safeguard unused keyways. ~~((You must:))~~**

\*) You must fill, cover, or otherwise safeguard all unused keyways.

**Reference:** In the absence of a specific safeguarding method, follow the safeguarding requirements found in safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:

((\*) 1. Guards.

((\*) 2. Devices.

((\*) 3. Safeguarding by distance.

((\*) 4. Safeguarding by location.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-30036 Make sure revolving collars meet these requirements. ~~((You must:))~~**

\*) (1) You must make sure revolving collars are cylindrical.

((\*) (2) You must make sure screws or bolts used in the collar do **not** project beyond the outside of the collar.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-30038 Safeguard counterweights. ~~((You must:))~~**

\*) You must provide safeguarding for all counterweights where employees are exposed to contact.

**Reference:** In the absence of a specific safeguarding method, follow the safeguarding requirements found in safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:

((\*) 1. Guards.

((\*) 2. Devices.

((\*) 3. Safeguarding by distance.

((\*) 4. Safeguarding by location.

**~~((ADDITIONAL REQUIREMENTS FOR SOME MACHINES AND MACHINE OPERATIONS))~~**

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-400 ~~((Summary:))~~ Additional requirements for some machines and machine operations.**

**Summary**

If your specific machine or operation is not listed here, then follow the "Requirements for all machines" found in this chapter, WAC 296-806-200 and 296-806-300.

**Your responsibility:**

To protect employees from hazards associated with specific machines and their operations in your workplace.

**~~((You must:))~~**

~~Abrasive wheels and machines~~

~~WAC 296-806-405.~~

~~Calenders~~

~~WAC 296-806-410.~~

~~Compactors~~

~~WAC 296-806-415.~~

~~Conveyors~~

~~WAC 296-806-420.~~

~~Food processing equipment~~

~~WAC 296-806-425.~~

~~Forging machines~~

~~WAC 296-806-430.~~

~~Garbage (waste) disposals~~

~~WAC 296-806-435.~~

~~Glue spreaders~~

~~WAC 296-806-440.~~

~~Ironworkers~~

~~WAC 296-806-445.~~

~~Lathes~~

~~WAC 296-806-450.~~

~~Mechanical power presses~~

~~WAC 296-806-455.~~

~~Mills~~

~~WAC 296-806-460.~~

~~Press brakes~~

~~WAC 296-806-465.~~

~~Roll-forming and bending machines~~

~~WAC 296-806-470.~~

~~Sanding machines~~

~~WAC 296-806-475.~~

~~Saws and cutting heads~~

~~WAC 296-806-480.~~

~~Sewing machines~~

~~WAC 296-806-485.))~~

<b><u>Requirements for this topic...</u></b>	<b><u>are in this part:</u></b>
<u>Abrasive wheels</u>	<u>WAC 296-806-405</u>
<u>Calenders</u>	<u>WAC 296-806-410</u>
<u>Compactors</u>	<u>WAC 296-806-415</u>
<u>Conveyors</u>	<u>WAC 296-806-420</u>
<u>Food processing equipment</u>	<u>WAC 296-806-425</u>



<u>Requirements for this topic...</u>	<u>are in this part:</u>
<u>Forging machines</u>	<u>WAC 296-806-430</u>
<u>Garbage (waste) disposals</u>	<u>WAC 296-806-435</u>
<u>Glue spreaders</u>	<u>WAC 296-806-440</u>
<u>Ironworkers</u>	<u>WAC 296-806-445</u>
<u>Lathes</u>	<u>WAC 296-806-450</u>
<u>Mechanical power presses</u>	<u>WAC 296-806-455</u>
<u>Mills</u>	<u>WAC 296-806-460</u>
<u>Press brakes</u>	<u>WAC 296-806-465</u>
<u>Roll-forming and bending machines</u>	<u>WAC 296-806-470</u>
<u>Sanding machines</u>	<u>WAC 296-806-475</u>
<u>Saws and cutting heads</u>	<u>WAC 296-806-480</u>
<u>Sewing machines</u>	<u>WAC 296-806-485</u>

**((ABRASIVE WHEELS))**

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-806-405 ((Summary:)) Abrasive wheels. Summary**

((★)) In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards.

((★)) Requirements for all machines, WAC 296-806-200 and 296-806-300.

((★)) You need to refer to Portable power tools, chapter 296-807 WAC for requirements relating to hand-held abrasive wheel tools.

This section applies to machines that are not hand held and that use an abrasive wheel.

**((Exemption:))** This rule does not apply to natural sandstone wheels and metal, wooden, cloth or paper discs having a layer of abrasive on the surface.  
**EXEMPTION:**

**((Definition:))**

~~An abrasive wheel is a grinding tool consisting of bonded abrasive grains. This includes diamond and reinforced wheels:))~~

**Your responsibility:**

To make sure abrasive wheel machines and wheels are safe to use.

**((You must:))**

**GENERAL REQUIREMENTS FOR ABRASIVE WHEELS**

~~((Make sure abrasive wheels and machines are properly designed and constructed~~

~~WAC 296-806-40502.~~

~~Make sure machines have safety guards~~

~~WAC 296-806-40504.~~

~~Make sure safety guards meet specific requirements~~

~~WAC 296-806-40506.~~

~~Provide a tongue guard on bench, pedestal, floorstand, and cylindrical grinders~~

~~WAC 296-806-40508.~~

Use a work rest for off hand grinding  
WAC 296-806-40510.

**MOUNTING ABRASIVE WHEELS**

Make sure abrasive wheels are safe to use  
WAC 296-806-40512.

Mount wheels properly

WAC 296-806-40514.

Use proper flanges

WAC 296-806-40516.

Make sure flanges are in good condition

WAC 296-806-40518.

Use specific flanges for Type 1 cutting off wheels

WAC 296-806-40520.

Use specific flanges for Type 27A cutting off wheels

WAC 296-806-40522.

Use blotters when required

WAC 296-806-40524.

Meet specific blotter requirements when using modified Types 6 and 11 wheels (terrazzo)

WAC 296-806-40526.))

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Make sure abrasive wheels and machines are properly designed and constructed</u>	<u>WAC 296-806-40502</u>
<u>Make sure machines have safety guards</u>	<u>WAC 296-806-40504</u>
<u>Make sure safety guards meet specific requirements</u>	<u>WAC 296-806-40506</u>
<u>Provide a tongue guard on bench, pedestal, floorstand, and cylindrical grinders</u>	<u>WAC 296-806-40508</u>
<u>Use a work rest for off-hand grinding</u>	<u>WAC 296-806-40510</u>

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-40502 Make sure abrasive wheels and machines are properly designed and constructed. ((You must:**

★)) (1) You must make sure abrasive wheels and machines, including safety guards and flanges, manufactured on or after January 1, 2005, meet the design and construction requirements of American National Standards Institute (ANSI) B7.1-2000, Safety Requirements for the Use, Care and Protection of Abrasive Wheels.

((★)) (2) You must make sure abrasive wheels and machines, including safety guards and flanges, manufactured before January 1, 2005, meet the design and construction requirements of American National Standards Institute (ANSI) B7.1-1970, Safety Code for the Use, Care and Protection of Abrasive Wheels.

**Note:** There may be a statement on the machine or in the instruction manual that the machine meets the appropriate ANSI standard. If in doubt, check with the manufacturer.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-40504 Make sure machines have safety guards.** ~~((You must:~~

•)) (1) You must use abrasive wheels only on machines that have safety guards.

((•)) (2) You must make sure the safety guard:

((-) (a) Is mounted so it maintains proper alignment with the wheel.

((-) (b) Is mounted with fasteners strong enough to keep the guard in position if a wheel breaks.

((-) (c) Covers the spindle end, nut, and flange projections.

~~((Exemption:))~~ Safety guards are not required on machines that use:

**EXEMPTION:**

((•)) 1. Wheels for internal grinding while advancing, retracting or within the work.

((•)) 2. Types 16, 17, 18, 18R, and 19 cones and plugs and threaded hole pot balls where either:

((-) a. The work offers protection; ~~((OR))~~ or

((-) b. The size does not exceed three inches in diameter by five inches long.

((•)) 3. Notched, segmented, or continuous rim metal centered diamond lapidary wheels that are:

((-) a. Used with a coolant deflector; ~~((AND))~~ and

((-) b. Operated at 3,500 SFPM or less.

((•)) 4. Type 1 reinforced wheels that are:

((-) a. Three inches or less in diameter.

((-) b. One-fourth inch or less thick.

((-) c. Operating at peripheral speeds of 9,500 SFPM or less.

((-) d. Used by operators wearing safety glasses and face shields.

((•)) 5. Valve seating grinding wheels.

((•)) 6. Remotely operated machines in an enclosure that will retain the pieces of a broken wheel.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-40506 Make sure safety guards meet specific requirements.** ~~((You must:~~

•)) You must make sure the machine safety guards meet the requirements of Table 405-1, Guard Requirements.

~~((Definition:~~

~~Maximum exposure angle is the largest part of a wheel that does not need to be covered by a safety guard:))~~

**Note:** ((•)) 1. The maximum exposure angle is measured by lines starting at the center of the spindle and extending to the ends of the guard at the wheel periphery.

((•)) 2. Visors and other accessory equipment are used in determining the size of the guard opening only if they are at least as strong as the safety guard.

**Table 405-1  
Guard Requirements**

Machine	Maximum exposure angle and other guard restrictions
Bench, pedestal, or floorstand grinders	<ul style="list-style-type: none"> <li>• Not higher than <del>((sixty-five))</del> 65 degrees above the horizontal centerline of the wheel</li> <li>• <del>((One-fourth (ninety degrees)))</del> 1/4 (90 degrees) of the wheel for grinding done at or above the horizontal centerline of the wheel</li> <li>• <del>((One hundred twenty-five))</del> 125 degrees if the work has to contact the wheel below the horizontal centerline of the wheel</li> </ul>
Cylindrical grinders	<ul style="list-style-type: none"> <li>• <del>((One half (one hundred eighty degrees)))</del> 1/2 (180 degrees) of the wheel</li> <li>• Not higher than <del>((sixty-five))</del> 65 degrees above the horizontal centerline of the wheel</li> </ul>
Surface grinders	<ul style="list-style-type: none"> <li>• <del>((One hundred fifty))</del> 150 degrees of the wheel</li> <li>• Not higher than <del>((fifteen))</del> 15 degrees below the horizontal</li> </ul>
Cutting-off machines	<ul style="list-style-type: none"> <li>• <del>((One half (one hundred eighty degrees)))</del> 1/2 (180 degrees) of the wheel</li> </ul>
Swing frame grinders	<ul style="list-style-type: none"> <li>• <del>((One half (one hundred eighty degrees)))</del> 1/2 (180 degrees) of the wheel</li> <li>• Encloses the top <del>((one half))</del> 1/2 of the wheel</li> </ul>
Swing frame grinders using cup wheels	<ul style="list-style-type: none"> <li>• <del>((One half (one hundred eighty degrees)))</del> 1/2 (180 degrees) of the wheel</li> <li>• Covers the wheel on the side towards the operator</li> </ul>
Semiautomatic snagging machines	<ul style="list-style-type: none"> <li>• <del>((One half (one hundred eighty degrees)))</del> 1/2 (180 degrees) of the wheel</li> <li>• Covers the wheel on the side towards the operator</li> </ul>
Machines used for top grinding	<ul style="list-style-type: none"> <li>• As small as possible up to <del>((one-sixth (sixty degrees)))</del> 1/6 (60 degrees) of the wheel</li> </ul>

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-40508 Provide a tongue guard on bench, pedestal, floorstand, and cylindrical grinders.** ~~((You must:~~

~~•)) You must make sure, if the operator stands in front of the opening in the safety guard, that the safety guard (tongue guard) at the top of the opening is adjusted to within one-fourth inch of the wheel.~~

~~((Definition:~~

~~The tongue guard is an integral part of a safety guard that is located where the upper exposed part of the abrasive wheel meets the safety guard. It can be adjusted as necessary to maintain a set distance from the constantly decreasing diameter of the wheel.))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-40510 Use a work rest for off-hand grinding.**

~~((Exemption:))~~ You do not need to use a work rest if:

**EXEMPTION:** ~~((•))~~ 1. The size, shape, weight or finishing area of the workpiece prevents its use; ~~((OR))~~ or ~~((•))~~ 2. Contact with the grinding wheel below the horizontal plane of the spindle is necessary.

~~((You must:~~

- ~~•))~~ (1) You must use a work rest to support the work.
- ~~((•))~~ (2) You must make sure the work rest is:
  - ~~((-))~~ (a) Rigidly constructed.
  - ~~((-))~~ (b) Adjustable to compensate for wheel wear.
  - ~~((-))~~ (c) Adjusted only when the wheel is stopped.
  - ~~((-))~~ (d) Securely clamped after each adjustment.
  - ~~((-))~~ (e) Kept within one-eighth inch of the wheel.

NEW SECTION

**WAC 296-806-40511 Mounting abrasive wheels.**

You must meet the requirements...	in this section:
Make sure abrasive wheels are safe to use	WAC 296-806-40512
Mount wheels properly	WAC 296-806-40514
Use proper flanges	WAC 296-806-40516
Make sure flanges are in good condition	WAC 296-806-40518
Use specific flanges for Type 1 cutting-off wheels	WAC 296-806-40520
Use specific flanges for Type 27A cutting-off wheels	WAC 296-806-40522
Use blotters when required	WAC 296-806-40524
Meet specific blotter requirements when using modified Types 6 and 11 wheels (terrazzo)	WAC 296-806-40526

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-40512 Make sure abrasive wheels are safe to use.** ~~((You must:~~

~~•))~~ (1) You must do the following before mounting a wheel:

- ~~((-))~~ (a) Visually inspect the wheel for cracks or damage.
- ~~((-))~~ (b) Perform a ring test for cracks if the size and shape of the wheel permits testing.
- ~~((-))~~ (c) Make sure the spindle speed of the machine is not greater than the operating speed of the wheel.

~~((•))~~ (2) You must make sure a damaged or cracked wheel is not mounted or used.

**Note:** Wheels that have gouges, grooves, other damage, or material buildup on the grinding surface need to be dressed or trued to correct the problem. Wheels that cannot be trued are considered damaged and cannot be used.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-40514 Mount wheels properly.** ~~((You must:))~~

(1) You must make sure wheels fit freely on the spindle, wheel sleeves, or adaptors, and remain free under all grinding conditions.

(2) You must make sure wheel, blotter and flange surfaces that contact each other are flat and free of foreign particles.

(3) You must make sure any reducing bushing used in the wheel hole:

~~((•))~~ (a) Fits freely on the spindle and maintains proper clearance; ~~((AND~~

~~•))~~ and ~~((b))~~ Does not exceed the width of the wheel or contact the flanges.

(4) You must make sure that multiple wheels mounted between a single set of flanges are either:

~~((•))~~ (a) Cemented together; ~~((OR~~

~~•))~~ or ~~((b))~~ Separated by spacers that have a diameter and bearing surface that is the same as the mounting flanges.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-40516 Use proper flanges.** ~~((You must:~~

~~•))~~ (1) You must mount all abrasive wheels between flanges that have a diameter at least one-third the diameter of the wheel.

~~((Exemption:))~~ This flange requirement does not apply to the following wheels:

- ~~((•))~~ 1. Mounted wheels (wheels permanently bonded to a shaft or mandrel).
- ~~((•))~~ 2. Abrasive disc wheels (inserted nut, inserted washer and projecting stud type).
- ~~((•))~~ 3. Plate mounted wheels.
- ~~((•))~~ 4. Cylinder, cup, or segmental wheels mounted in chucks.
- ~~((•))~~ 5. Types 27, 28, and 29 wheels.

- (\*) 6. Internal wheels less than two inches in diameter.
- (\*) 7. Modified Type 6 and 11 wheels (terrazzo).
- (\*) 8. Types 1 and 27A cutting-off wheels.

**~~(You must:~~**

\*) (2) You must make sure flanges are:

- (-) (a) Dimensionally accurate.
- (-) (b) Properly balanced.
- (-) (c) Flat.
- (-) (d) Free of rough surfaces or sharp edges.
- (\*) (3) You must make sure the driving flange is:
- (-) (a) Part of the spindle; ~~((OR~~
- )) or
- (b) Securely fastened to the spindle.

(\*) (4) You must make sure, if a wheel is mounted between two flanges, that both flanges:

- (-) (a) Are the same diameter; ~~((AND~~
- )) and
- (b) Have equal bearing surfaces.

**~~(Exemption:)~~** The following wheels do not require same diameter, equal bearing surface flanges:

**EXEMPTION:**

- (\*) 1. Types 27, 28, and 29 wheels with adaptors.
- (\*) 2. Modified Types 6 and 11 wheels with tapered K dimension.
- (\*) 3. Internal wheels less than two inches in diameter.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-40518 Make sure flanges are in good condition.** ~~((You must:~~

\*) (1) You must make sure flange bearing surfaces are in good condition.

(\*) (2) You must replace or remachine a flange with a mounting surface that has any of the following problems:

- (-) (a) Warped.
- (-) (b) Burred on the bearing surface.
- (-) (c) Excessively worn (thickness or diameter).
- (-) (d) Out of true.

**Reference:** Flanges that are refaced or trued need to satisfy minimum dimension requirements specified in Safety Requirements for the Use, Care and Protection of Abrasive Wheels, ANSI B7.1-2000.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-40520 Use specific flanges for Type 1 cutting-off wheels.** ~~((You must:~~

\*) You must mount Type 1 cutting-off wheels between flanges that are:

- (-) (1) Properly relieved with matching bearing surfaces.
- (-) (2) At least one-fourth the wheel diameter.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-40522 Use specific flanges for Type 27A cutting-off wheels.** ~~((You must:~~

\*) You must mount Type 27A cutting-off wheels between flanges that are:

- (-) (1) Flat (unrelieved) with matching bearing surfaces; ~~((AND~~
- )) and
- (2) At least one-fourth the wheel diameter.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-40524 Use blotters when required.**

**~~(Exemption:)~~** You do not need to use a blotter with any of the following:

**EXEMPTION:**

- (\*) 1. Mounted wheels (wheels permanently bonded to a shaft or mandrel).
- (\*) 2. Abrasive disc and Type 2 wheels which are mounted by inserted nuts, inserted washers, or projecting studs.
- (\*) 3. Plate mounted wheels.
- (\*) 4. Wheels mounted in chucks (such as cylinders and segmental wheels).
- (\*) 5. Types 27, 28, and 29 wheels.
- (\*) 6. Type 1 and Type 27A cutting-off wheels.
- (\*) 7. Internal wheels less than two inches in diameter.
- (\*) 8. Diamond and cubic boron nitride wheels with metal or carbon fiber cores.

**~~((You must:~~**

\*) (1) You must use a blotter between each flange and the abrasive wheel surface to uniformly distribute flange pressure.

(\*) (2) You must make sure the blotter covers the entire flange contact area.

(\*) (3) You must use a new blotter each time a wheel is mounted unless the wheel has a blotter already attached to it by the manufacturer.

(\*) (4) You must make sure scuffed or damaged blotters are not used.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-40526 Meet specific blotter requirements when using modified Types 6 and 11 wheels (terrazzo).** ~~((You must:~~

\*) You must apply the blotter to the flat side only when mounting Modified Types 6 and 11 wheels (terrazzo).

**~~((Calenders))~~**

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-410 ~~((Summary:))~~ Calenders.**  
**Summary**

In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

(\*) Requirements for all machines, WAC 296-806-200 and 296-806-300.

This section applies only to hazards associated with calenders in the rubber and plastics industry where two or more metal rolls are set vertically and revolving in opposite directions.

**Your responsibility:**

To protect employees from hazards associated with calenders.

~~((You must:~~

~~Provide calender safety controls~~

~~WAC 296-806-41002.~~

~~Follow these stopping limit requirements for calenders~~

~~WAC 296-806-41004.)~~

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Provide calender safety controls</u>	<u>WAC 296-806-41002</u>
<u>Follow these stopping limit requirements for calenders</u>	<u>WAC 296-806-41004</u>

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-41002 Provide calender safety controls.**

~~((Exemption:))~~ These rules do not apply to calenders if the machinery is permanently set up so employees:

**EXEMPTION:**

- ~~((\*)~~ 1. Cannot reach through, over, under, or around to come in contact with the roll bite; ~~((or))~~ or
- ~~((\*)~~ 2. Cannot be caught between a roll and nearby objects.

~~((You must:))~~

(1) You must provide a safety trip control for the face of the calender that meets **all** of the following:

- ~~((\*)~~ (a) Provided in front and back of each calender.
- ~~((\*)~~ (b) Is accessible.
- ~~((\*)~~ (c) Operates readily upon contact.

(2) You must provide **at least one** of the following safety trip controls for the face of the calender:

~~((\*)~~ (a) Safety trip rods, tripwire cables or wire center cords that:

~~((-)~~ (i) Are within reach of the operator and the bite (nip point).

~~((-)~~ (ii) Operate whether pushed or pulled.

~~((-)~~ (iii) Are located across each pair of in-running rolls extending the length of the face of the rolls.

~~((\*)~~ (b) Pressure sensitive body bars that:

~~((-)~~ (i) Are approximately forty inches vertically above the working level.

~~((-)~~ (ii) Are horizontally at thirty-four inches from the in-running nip point.

~~((-)~~ (iii) Operate readily by pressure of the mill operator's body.

(3) You must include safety trip rods, cables or cords, in addition to the pressure sensitive body bars, if **both** of these apply:

~~((\*)~~ (a) In-running rolls are located below the bar; ~~((and~~ ~~\*)~~ and

~~(b)~~ The operator needs to duck under the bar.

(4) You must provide a safety cable or wire center cord on both sides of the calender that:

~~((\*)~~ (a) Operates readily when pushed or pulled.

~~((\*)~~ (b) Is connected to the safety trip.

**Note:** ~~((\*)~~ The center cord should be **all** of the following:

~~((-)~~ 1. Twelve inches or less from the faces of the individual rolls.

~~((-)~~ 2. At least two inches from the calender frame.

~~((-)~~ 3. Anchored to the frame not more than six inches from the floor or operator's platform.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-41004 Follow these stopping limit requirements for calenders.** ~~((You must:~~

~~\*)~~ You must make sure that calenders are stopped within one and three-quarters percent of the fastest speed at which they operate when empty. ~~((-)~~ When calenders operate at more than two hundred fifty feet per minute, stopping distances above one and three-quarters percent of their fastest speed are allowed, but must have engineering support.

~~((COMPACTORS))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-415 ((Summary:)) Compactors.**

Summary

In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

~~((\*)~~ Requirements for all machines, WAC 296-806-200 and 296-806-300.

This section applies to all stationary compactors in your workplace.

**Your responsibility:**

To protect employees from hazards associated with stationary compactors.

~~((You must:~~

~~Safeguard hazardous moving parts of stationary compactors~~

~~WAC 296-806-41502.~~

~~Follow these requirements for compactor controls~~

~~WAC 296-806-41504.~~

~~Follow these requirements for compactor access doors and covers~~

~~WAC 296-806-41506.~~

~~Follow these requirements for compactors that cycle automatically~~

~~WAC 296-806-41508.)~~

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Safeguard hazardous moving parts of stationary compactors</u>	<u>WAC 296-806-41502</u>
<u>Follow these requirements for compactor controls</u>	<u>WAC 296-806-41504</u>
<u>Follow these requirements for compactor access doors and covers</u>	<u>WAC 296-806-41506</u>

<b><u>You must meet the requirements...</u></b>	<b><u>in this section:</u></b>
<u>Follow these requirements for compactors that cycle automatically</u>	<u>WAC 296-806-41508</u>

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-41502 Safeguard hazardous moving parts of stationary compactors. (~~You must:~~**

\*) (1) You must prevent the compactor from operating while employees have any body parts in the compactor or hazard area.

((\*) (2) You must provide a safeguarding method that prevents employees from putting hands, fingers, or any body part into the compactor during operation.

- Note:** Examples of safeguarding methods include:
- ((\*) 1. Making sure the compactor will not compact material while the gate or door is open.
  - ((\*) 2. Installing a guard, loading hopper, or enclosure at least forty-two inches high that prevents:
    - ((-) a. Entry of hands, fingers, or any body part into the loading chamber during operation.
    - ((-) b. An operator from being caught between moving parts of the equipment and material.
    - ((-) c. The creation of any hazard between the guard and moving parts.
  - ((\*) 3. You may also provide sustained manual pressure controls located so the operator cannot reach, but can still see, the point of operation if a guard is not used.

**Reference:** For additional requirements when adjusting or clearing jams from compactors, see Lockout/tagout (control of hazardous energy), chapter 296-803 WAC.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-41504 Follow these requirements for compactor controls. (~~You must:~~**

\*) You must follow these requirements for compactor controls:

((-) (1) Each control must have its function clearly labeled.

((-) (2) Controls must be designed and located to prevent them from unintentionally activating.

((-) (3) Electric stop buttons, including emergency stop buttons, must be(=

■) red in color, distinguishable from all other controls by size, and not recessed.

((-) (4) Emergency stop controls must be either:

((■) (a) Readily accessible to the operator; ((OR

■) or

(b) Located within three feet (91.4 cm) of the point of operation or feed area or if chute fed, within three feet (91.4 cm) of the access door.

((-) (5) An electrical disconnect must be located within sight, no more than fifty feet (1,524 cm), from the operating control panel.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-41506 Follow these requirements for compactor access doors and covers. (~~You must:~~**

\*) (1) You must make sure access covers meet at least one of the following:

((-) (a) Interlocked.

((-) (b) Secured by a lockable device.

((-) (c) Removable by hand tools only.

((\*) (2) Make sure any loading chamber access door has an interlock system that prevents cycling motion when the door is open.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-41508 Follow these requirements for compactors that cycle automatically. (~~You must:~~**

\*) You must use automatic cycling controls only on compactors where the loading chamber is located so that it cannot be accessed during operation.

**((CONVEYORS))**

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-420 ((Summary-)) Conveyors.**

**Summary**

If your specific conveyor or operation is not listed here, then follow any general requirements in this section along with the "Requirements for all machines" found in this chapter, WAC 296-806-200 and 296-806-300.

This section applies to hazards related to conveyors and conveying systems, including bulk material, package, or unit handling types. These requirements are designed to protect employees operating, maintaining, cleaning, and working around conveyors.

((~~Exemption~~)) This section does not apply to conveyor systems used primarily for moving people.

**EXEMPTION:**

**Your responsibility:**

To make sure all conveyors in your workplace are constructed, operated, and maintained in a safe manner.

((~~You must:~~))

**GENERAL REQUIREMENTS FOR CONVEYORS**

((~~Follow these requirements for conveyors~~

~~WAC 296-806-42002.~~

~~Provide emergency stops on conveyors~~

~~WAC 296-806-42004.~~

~~Label conveyor controls~~

~~WAC 296-806-42006.~~

~~Prohibit riding on conveyors~~

~~WAC 296-806-42008.~~

~~Provide safe access to conveyors~~

~~WAC 296-806-42010.~~

~~Provide backstop or antirunaway devices to incline, decline, or vertical conveyors~~

~~WAC 296-806-42012.~~

~~Make only safe alterations to conveyors~~

~~WAC 296-806-42014.~~

Inspect and replace worn conveyor parts  
WAC 296-806-42016.  
Follow these requirements for replacing conveyor parts  
WAC 296-806-42018.  
Follow these requirements for spill guards  
WAC 296-806-42020.  
Provide pedestrian overpasses for conveyors  
WAC 296-806-42022.  
Guard openings to hoppers and chutes  
WAC 296-806-42024.  
Install guideposts  
WAC 296-806-42026.

**BELT CONVEYORS**

Guard nip points on belt conveyors  
WAC 296-806-42028.  
Install emergency stop controllers on overland belt conveyors

WAC 296-806-42030.  
Install belt conveyor overpasses  
WAC 296-806-42032.

**CHAIN CONVEYORS**

Safeguard chain conveyors  
WAC 296-806-42034.  
Guard return strands on chain conveyors  
WAC 296-806-42036.  
Guard chain conveyors that are used as a transfer mechanism

WAC 296-806-42038.

**ELEVATOR CONVEYORS**

Prevent material from falling off of elevator conveyors  
WAC 296-806-42040.

**INCLINED RECIPROCATING CONVEYORS (SHAKERS)**

Provide protection where employees must load shakers  
WAC 296-806-42042.  
Provide grating over silo and bunker openings for shuttle conveyors

WAC 296-806-42044.

**MOBILE CONVEYORS**

Guard wheels and rails on mobile conveyors  
WAC 296-806-42046.  
Prevent hazardous motion on mobile conveyors  
WAC 296-806-42048.  
Provide a detector for mobile conveyors  
WAC 296-806-42050.  
Provide safe access on mobile conveyors  
WAC 296-806-42052.

**PUSHER-BAR CONVEYORS**

Guard pusher-bar conveyors  
WAC 296-806-42054.

**ROLLER CONVEYORS**

Prohibit walking on roller-type conveyors  
WAC 296-806-42056.  
Use speed controls for roller and wheel conveyors  
WAC 296-806-42058.  
Safeguard belt-driven live roller conveyors  
WAC 296-806-42060.

**SCREW CONVEYORS**

Guard screw conveyors  
WAC 296-806-42062.

**SKIP HOISTS**

Provide slack-cable switches on hoists  
WAC 296-806-42064.  
Block the skip bucket and counterweight guides  
WAC 296-806-42066.  
Protect against wire rope coming off sheaves  
WAC 296-806-42068.

**SLAT AND ROLLER-SLAT CONVEYORS**

Safeguard slat and roller-slat conveyors  
WAC 296-806-42070.

**TOWED CONVEYORS**

Provide a safe method for disengaging the tow pin  
WAC 296-806-42072.  
Protect employees from moving carts on towed conveyors  
WAC 296-806-42074.  
Provide clearances and warnings for carts on towed conveyors  
WAC 296-806-42076.  
Mark projections above the floor  
WAC 296-806-42078.))

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Follow these requirements for conveyors</u>	<u>WAC 296-806-42002</u>
<u>Provide emergency stops on conveyors</u>	<u>WAC 296-806-42004</u>
<u>Label conveyor controls</u>	<u>WAC 296-806-42006</u>
<u>Prohibit riding on conveyors</u>	<u>WAC 296-806-42008</u>
<u>Provide safe access to conveyors</u>	<u>WAC 296-806-42010</u>
<u>Provide backstop or antirun-away devices to incline, decline, or vertical conveyors</u>	<u>WAC 296-806-42012</u>
<u>Make only safe alterations to conveyors</u>	<u>WAC 296-806-42014</u>
<u>Inspect and replace worn conveyor parts</u>	<u>WAC 296-806-42016</u>
<u>Follow these requirements for replacing conveyor parts</u>	<u>WAC 296-806-42018</u>
<u>Follow these requirements for spill guards</u>	<u>WAC 296-806-42020</u>
<u>Provide pedestrian overpasses for conveyors</u>	<u>WAC 296-806-42022</u>
<u>Guard openings to hoppers and chutes</u>	<u>WAC 296-806-42024</u>
<u>Install guideposts</u>	<u>WAC 296-806-42026</u>

**~~((GENERAL REQUIREMENTS FOR CONVEYORS))~~**

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42002 Follow these requirements for conveyors.** ~~((You must:~~

•)) (1) You must construct, operate, and maintain all conveyors according to this chapter and the American National Standards Institute (ANSI) B20.1-1957.

((•)) (2) You must make sure all new conveyors constructed after January 1, 2005, meet the requirements of the American Society of Mechanical Engineers (ASME) B20.1-1996.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42004 Provide emergency stops on conveyors.** ~~((You must:~~

•)) (1) You must make sure each conveyor has an emergency stopping device such as an emergency stop button, pull cord, or similar device.

((•)) (2) You must make sure each emergency stopping device meets all of the following requirements. They must:

((-) (a) Stop the conveyor a safe distance from the hazard.

((-) (b) Be easily identified.

((-) (c) Directly control that conveyor.

((-) (d) Require a manual reset.

((-) (e) NOT be overridden from another location.

((-) (f) NOT require other equipment to be stopped in order to stop the conveyor.

((•)) (3) You must make sure where there is the possibility of an employee falling onto a conveyor, that the emergency stopping device for conveyors feeding or dumping into a hazardous machine such as a barker, saw, hog, or chipper is **at least one** of the following:

((-) (a) Under the continuous control of an operator who cannot fall onto the conveyor and has full view of the material entrance; ~~((OR~~

-)) or

(b) Located where it can be reached from a sitting position on the conveyor where it feeds or dumps into the hazardous machine.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42006 Label conveyor controls.** ~~((You must:~~

•)) You must clearly label the function of each conveyor control.

**Note:** Controls and wiring that are no longer used should be removed from control stations.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42008 Prohibit riding on conveyors.** ~~((You must:~~

•)) You must prohibit employees from riding on conveyors.

~~((Exemption:))~~  
**EXEMPTION:** You do not need to prohibit riding on an assembly conveyor moving eighty feet or less per minute or a conveyor with a station specifically designed for operating personnel.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42010 Provide safe access to conveyors.** ~~((You must:~~

•)) You must provide a way to safely inspect and maintain conveyors located more than seven feet from the floor.

**Reference:** Some additional requirements for protecting employees inspecting and maintaining conveyors can be found in:  
((•)) 1. Lockout/tagout (control of hazardous energy), chapter 296-803 WAC.  
((•)) 2. Personal fall arrest systems, WAC 296-24-88050.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42012 Provide backstop or antirunaway devices on incline, decline, or vertical conveyors.** ~~((You must:~~

•)) You must make sure all incline, decline, or vertical conveyors use backstop or antirunaway devices when there is a danger of conveyor reversal or runaway.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42014 Make only safe alterations to conveyors.** ~~((You must:~~

•)) You must make sure, when making conveyor alterations, that you do not affect safety characteristics such as emergency stop controls, guards, or the incline of the conveyor, if such changes would create a danger to workers.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42016 Inspect and replace worn conveyor parts.** ~~((You must:~~

•)) You must carefully inspect and replace any conveyor part that shows signs of significant wear before it becomes a hazard.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42018 Follow these requirements for replacing conveyor parts.** ~~((You must:~~

•)) You must make sure replacement conveyor parts are equal to or exceed the manufacturer's specifications.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42020 Follow these requirements for spill guards.** ~~((You must:~~



•) You must install protective or spill guards wherever conveyors pass next to or over working areas or passageways. ((-)) These guards must be designed to catch and hold any materials that may become dislodged or fall off.

**Reference:** For specific requirements when conveyors pass over emergency exit routes, see Exit routes, WAC 296-800-310.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42022 Provide pedestrian overpasses for conveyors. ((You must:**

•) (1) You must provide a pedestrian overpass covering the full width of a passageway if **one** of these conditions exists:

((-) (a) The working strand of a conveyor crosses within three feet of floor level.

((-) (b) Workers must step over the strand and trough at or below floor level.

((•) (2) You must provide a pedestrian overpass where workers cannot pass under the conveyor safely. ((-)) The sides of the crossing platform must have standard railings if **one** of the following exists:

((■) (a) The overpass is more than four feet high.

((■) (b) The conveyor feeds a dangerous machine such as saws, chippers, hogs, or galvanizing tanks.

**Reference:** For guardrail requirements see, Railing, toeboards, and cover specifications, WAC 296-24-75011.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42024 Guard openings to hoppers and chutes. ((You must:**

•) (1) You must guard all openings to hoppers, chutes, and elevator-type conveyors to prevent workers from:

((-) (a) Falling or stepping into them.

((-) (b) Making any kind of bodily contact with conveyors.

**Note:** Grating provided at floor level with no openings larger than two inches (50 mm) that is strong enough to withstand any load of personnel or trucks that may be imposed upon it is acceptable guarding.

((~~You must:~~

•) (2) You must do all of the following when dumping operations use chutes or hoppers that are flush with the floor and their use cannot be guarded:

((-) (a) Place a temporary guardrail around ground or floor-level hoppers when dumping operations are **not** in progress.

((-) (b) Post warning signs in a conspicuous location alerting personnel to the presence of an open pit in order to protect employees when dumping operations are in progress.

**Reference:** For guardrail requirements see, Railing, toeboards, and cover specifications, WAC 296-24-75011.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42026 Install guideposts. ((You must:**  
•) You must install guideposts to direct employees driving trucks, loaders, or other equipment to the pit, hopper, or chute.

**((BELT CONVEYORS))**

NEW SECTION

**WAC 296-806-42027 Belt conveyors.**

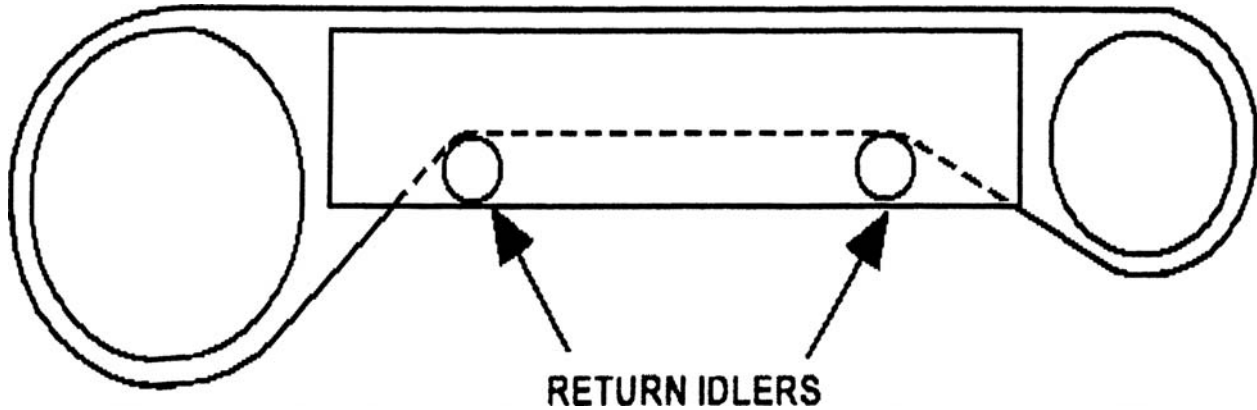
<b>You must meet the requirements...</b>	<b>in this section:</b>
Guard nip points on belt conveyors	WAC 296-806-42028
Install emergency stop controllers on overland belt conveyors	WAC 296-806-42030
Install belt conveyor overpasses	WAC 296-806-42032

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42028 Guard nip points on belt conveyors.**

**((Exemption:))**  
**EXEMPTION:** This rule does not normally require guards along the conveyor at the point where the belt rides on return rollers, such as return-belt idlers, unless hazardous conditions such as long, tight heavy belts exist.

Return-belt idlers



These turn freely and just idle.

~~((You must:~~

•) You must place nip point guards at **all** of these points:

- ((-) (1) Where the belt wraps around the pulley.
- ((-) (2) At terminals, take-ups, and snub rollers where the belt changes directions at transfers and deflectors.
- ((-) (3) At the discharge end.
- ((-) (4) At other points where workers may be injured by nip or shear points.

**Note:** The practice of applying a belt dressing or other foreign material to a rotating drive pulley or a conveyor belt is hazardous and should be avoided.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42030 Install emergency stop controllers on overland belt conveyors.** ~~((You must:~~

•) You must install permanent emergency pull cords or similar emergency stop controllers at points where workers are normally stationed along overland belt conveyors.

**Note:** Personnel that patrol overland belt conveyors may use portable emergency stop controllers instead of permanently installed pull cords and push-button stations.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42032 Install belt conveyor overpasses.** ~~((You must:~~

•) You must install a pedestrian overpass or underpass along the sides of long overland belt conveyors, where there is the most foot traffic. ((-) The distance between overpasses should not exceed three hundred meters or one thousand feet.

~~((CHAIN CONVEYORS))~~

NEW SECTION

**WAC 296-806-42033 Chain conveyors.**

You must meet the requirements...	in this section:
Safeguard chain conveyors	WAC 296-806-42034
Guard return strands on chain conveyors	WAC 296-806-42036
Guard chain conveyors that are used as a transfer mechanism	WAC 296-806-42038

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42034 Safeguard chain conveyors.**

~~((You must:~~

•) You must provide safeguards for drive, tail, and idler sprocket pulleys where the chain creates a nip or shear point.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42036 Guard return strands on chain conveyors.** ~~((You must:~~

•) (1) You must provide a way to catch and support the ends of a chain that break over a passageway.

((•) (2) You must provide a strong enough trough to carry the weight from a broken chain on conveyors when return strands operate within seven feet of the floor.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42038 Guard chain conveyors that are used as a transfer mechanism.** ~~((You must:~~

•) You must guard chain conveyors whose moving chains cannot be enclosed without impairing their function by **one** of the following methods:

((-) (1) Distance as required in, Make sure safeguarding by distance meets these requirements, WAC 296-806-20056.

((-) (2) Personnel barriers.

((-)) (3) Warning signs where personnel barriers are not practical.

- Note:** Chain conveyors with moving chains that cannot be enclosed include those:
- ((\*) 1. Mounted within another conveyor.
  - ((\*) 2. Raised and lowered as a transfer mechanism.

**((ELEVATOR CONVEYORS))**

NEW SECTION

**WAC 296-806-42039 Elevator conveyors.**

You must meet the requirements...	in this section:
Prevent material from falling off of elevator conveyors	WAC 296-806-42040

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42040 Prevent material from falling off of elevator conveyors. ((You must:**

•)) (1) You must install strong guards, screens, or barricades to prevent material from falling in any direction into the shaft way of elevator-type conveyors, except at loading and unloading areas.

((\*) (2) You must install automatic shaft way gates or suitable barriers at each floor level where material is loaded or unloaded.

**((INCLINED RECIPROCATING CONVEYORS - SHAKERS)))**

NEW SECTION

**WAC 296-806-42041 Inclined reciprocating conveyors (shakers).**

You must meet the requirements...	in this section:
Provide protection where employees must load shakers	WAC 296-806-42042
Provide grating over silo and bunker openings for shuttle conveyors	WAC 296-806-42044

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42042 Provide protection where employees must load shakers. ((You must:**

•)) (1) You must provide standard guardrails or snap chains along loading sides of the shaker where personnel must load or unload material. ((-) Snap chains must be at least thirty-nine inches high at their lowest point.

((\*) (2) You must make sure controls are located so the conveyor cannot be started by an employee on the moving part of the conveyor.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42044 Provide grating over silo and bunker openings for shuttle conveyors. ((You must:**

•)) You must provide grating with openings to match the size of the material being discharged into silos or bunkers. Make sure openings are:

((-) (1) Small enough so that workers cannot fall through.

((-) (2) Protected by other effective means if the material size requires openings large enough for a worker to fall through.

**((MOBILE CONVEYORS))**

NEW SECTION

**WAC 296-806-42045 Mobile conveyors.**

You must meet the requirements...	in this section:
Guard wheels and rails on mobile conveyors	WAC 296-806-42046
Prevent hazardous motion on mobile conveyors	WAC 296-806-42048
Provide a detector for mobile conveyors	WAC 296-806-42050
Provide safe access on mobile conveyors	WAC 296-806-42052

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42046 Guard wheels and rails on mobile conveyors. ((You must:**

•)) You must install sweeps in front of the nip points created by the wheels and rails to deflect objects that could derail the conveyor.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42048 Prevent hazardous motion on mobile conveyors. ((You must:**

•)) (1) You must make sure mobile conveyors have at least one of the following to prevent hazardous motion:

((-) (a) Brakes.

((-) (b) Rail clamps.

((-) (c) Other position-locking devices.

((\*) (2) You must provide limit switches that will stop travel when exceeding the design limits of rail-mounted mobile conveyors.

((\*) (3) You must provide rail stops to keep the conveyor from traveling past its designed end location.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42050 Provide a detector for mobile conveyors.** (~~You must:~~

•) You must provide a detector to stop conveyor movement when the operation creates a danger of running into a stockpile or other obstacle.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42052 Provide safe access on mobile conveyors.** (~~You must:~~

•) You must make sure that access stairways, ladders, and platforms are designed and located to avoid the shear or nip point hazards of the conveyor and moving machinery.

~~((PUSHER BAR CONVEYORS))~~

NEW SECTION

**WAC 296-806-42053 Push-bar conveyors.**

You must meet the requirements...	in this section:
Guard pusher-bar conveyors	WAC 296-806-42054

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42054 Guard pusher-bar conveyors.** (~~You must:~~

•) You must provide a guard when hazards exist at each of these points:

(-) (1) At the discharge point where the bar passes through the bed.

(-) (2) Where there is a shear point between the return pusher bar and a frame member.

~~((ROLLER CONVEYORS))~~

NEW SECTION

**WAC 296-806-42055 Roller conveyors.**

You must meet the requirements...	in this section:
Prohibit walking on roller-type conveyors	WAC 296-806-42056
Use speed controls for roller and wheel conveyors	WAC 296-806-42058
Safeguard belt-driven live roller conveyors	WAC 296-806-42060

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42056 Prohibit walking on roller-type conveyors.** (~~You must:~~

•) You must prohibit employees from walking on the rolls of roller-type conveyors. (-) Tread plates or other types of walkways can be used between the rollers as a walking surface for operators when performing their duties.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42058 Use speed controls for roller and wheel conveyors.** (~~You must:~~

•) (1) You must avoid safety hazards created by unit or package speeds by one of the following methods:

(-) (a) Limiting the length of the sloped run.

(-) (b) Using speed retarders or brakes.

(-) (c) Other means of providing speed control.

(•) (2) You must make sure rollers and wheels are free running to prevent locked wheels from steering or pulling materials to one side or off the conveyor.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42060 Safeguard belt-driven live roller conveyors.** (~~You must:~~

•) You must guard belt and roller nip points by one of the following methods:

(-) (1) Space load-carrying rollers to prevent access to the belt and roller nip points.

(-) (2) Insert rods or plates between the rollers to prevent access to the belt and roller nip points.

(-) (3) Use rollers that pop out when something contacts the nip point.

(-) (4) Distance safeguarding found in: (•) Make sure safeguarding by distance meets these requirements, WAC 296-806-20056.

**Reference:** For nip points and shear hazards on power-driven (live) roller conveyors see, Guard nip points on belt conveyors, WAC 296-806-42028.

~~((SCREW CONVEYORS))~~

NEW SECTION

**WAC 296-806-42061 Screw conveyors.**

You must meet the requirements...	in this section:
Guard screw conveyors	WAC 296-806-42062

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42062 Guard screw conveyors.** (~~You must:~~

•) (1) You must enclose the rotating screw to prevent contact with the shear points where it passes the sides of the trough or casing.

(•) (2) You must guard screw conveyors requiring an open housing by using one of the following:

(-) (a) Make sure safeguarding by distance meets these requirements, WAC 296-806-20056.

((-)) (b) Make sure guardrails used for safeguarding meet these requirements, WAC 296-806-20058.

((\*) (3) You must construct feed openings for shovel, front-end loader, or other manual or mechanical equipment so that the conveyor screw is covered by a grating. ((-)) If the nature of the material is such that a grating cannot be used, then the exposed section of the conveyor must be guarded by a railing and warning signs.

**((SKIP-HOISTS))**

NEW SECTION

**WAC 296-806-42063 Skip hoists.**

<b>You must meet the requirements...</b>	<b>in this section:</b>
Provide slack-cable switches on hoists	WAC 296-806-42064
Block the skip bucket and counterweight guides	WAC 296-806-42066
Protect against wire rope coming off sheaves	WAC 296-806-42068

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42064 Provide slack-cable switches on hoists. ((You must:**

\*) You must provide and arrange slack cable switches to cut power to the drive and set the brake when the skip or counterweight hoisting ropes either:

((-) (1) Develop slack; ((~~OR~~ -)) or

(2) Lose tension due to sticking in the guides, over travel, or for any other reason.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42066 Block the skip bucket and counterweight guides. ((You must:**

\*) You must make sure the skip bucket and counterweight are blocked in their guides when the brake or any part of the drive train between the brake and the drum shaft are being repaired or replaced.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42068 Protect against wire rope coming off sheaves. ((You must:**

\*) You must fit all sheaves with sheave guards to prevent the wire rope from coming off under slack cable or similar conditions.

**((SLAT AND ROLLER SLAT CONVEYORS))**

NEW SECTION

**WAC 296-806-42069 Slat and roller-slat conveyors.**

<b>You must meet the requirements...</b>	<b>in this section:</b>
Safeguard slat and roller-slat conveyors	WAC 296-806-42070

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42070 Safeguard slat and roller-slat conveyors. ((You must:**

\*) (1) You must provide either of these safeguards at the tail end of a slat conveyor if the slats are above the centerline of the chain:

((-) (a) A guard over the hazardous tail end; ((~~OR~~ -)) or

(b) Warning signs if guards are impractical because of material flowing over the tail sprocket.

((\*) (2) You must provide either of these safeguards when there is a gap between the slats wide enough to permit access to cross members below the slats:

((-) (a) A continuous pan under the slats; ((~~OR~~ -)) or

(b) Keep all cross members a safe distance from the slats.

**((TOWED CONVEYORS))**

NEW SECTION

**WAC 296-806-42071 Towed conveyors.**

<b>You must meet the requirements...</b>	<b>in this section:</b>
Provide a safe method for disengaging the tow pin	WAC 296-806-42072
Protect employees from moving carts on towed conveyors	WAC 296-806-42074
Provide clearances and warnings for carts on towed conveyors	WAC 296-806-42076
Mark projections above the floor	WAC 296-806-42078

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42072 Provide a safe method for disengaging the tow pin. ((You must:**

\*) You must provide a method for the operator to disengage the tow pin from a conveyor pusher without being in front of the cart.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42074 Protect employees from moving carts on towed conveyors. ~~((You must:~~**

- )) (1) You must make sure runaway carts are unable to exit ramps and enter work areas.
- ((•) (2) You must have a barrier of sufficient strength and height on ramps with pedestrian or traffic aisles to prevent a runaway cart from entering the aisle.
- ((•) (3) You must have signs warning employees not to enter ramps that do not have pedestrian or traffic aisles.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42076 Provide clearances and warnings for carts on towed conveyors. ~~((You must:~~**

- )) (1) You must provide clearance space for personnel in all of the following:
  - ((-) (a) Between the sides of carts.
  - ((-) (b) Between any load overhanging the side of a cart.
  - ((-) (c) Any fixed or moving object.
- ((•) (2) You must identify the cart path with floor stripes that are:
  - ((-) (a) Parallel to the cart path.
  - ((-) (b) Arranged so one line is on each side of the path.
  - ((-) (c) Located a safe distance from the edge of the cart or overhanging load.
- ((•) (3) You must mark reduced clearance areas with appropriate warning signs.

**Note:** An example of a reduced clearance area is an area where a cart goes through a wall opening.

~~((You must:~~

- )) (4) You must place an appropriate warning on those areas where a cart may unexpectedly change direction, such as switching off the main line into a transfer conveyor or a spur.

**Note:** An example of an appropriate warning would be to use diagonal stripes on the floor between clearance lines.

~~((You must:~~

- )) (5) You must install a sign, signal, or other warning where carts start automatically.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42078 Mark projections above the floor. ~~((You must:~~**

- )) You must mark the area around projections above the floor with appropriate diagonal stripes, warning signs, or both.

**Note:** This is especially important if projections above the floor are unpredictable or occur intermittently.

~~((FOOD PROCESSING EQUIPMENT))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-425 ~~((Summary-))~~ Food processing equipment.**

Summary

If your specific food processing machine or operation is not listed here, then follow any facilities requirements in this section along with the "Requirements for all machines" found in this chapter, WAC 296-806-200 and 296-806-300.

This section applies to:

- ((•) (1) All businesses that manufacture or process food, whether or not they are contained inside food stores; ~~((AND~~
  - )) and
  - (2) The design, installation, operations, and maintenance of machinery and equipment used in the food processing industry.

**Your responsibility:**

To protect employees from hazards associated with food processing facilities and machines.

~~((You must:))~~

**FACILITIES**

~~((Provide locks on chamber doors of large air conditioning units~~

~~WAC 296-806-42502.~~

~~Use proper door locks on rack-type bread coolers~~

~~WAC 296-806-42504.~~

~~Provide see-through panels on fermentation room doors~~

~~WAC 296-806-42506.~~

~~Cover exposed hot pipes~~

~~WAC 296-806-42508.~~

~~Provide extension piping on stationary lubrication fittings~~

~~WAC 296-806-42510.~~

~~Provide hoods for pan-washing tanks~~

~~WAC 296-806-42512.~~

~~Safeguard proof boxes~~

~~WAC 296-806-42514.~~

~~Safeguard storage bins~~

~~WAC 296-806-42516.~~

**MATERIAL HANDLING**

~~Follow these design requirements for bag lifts (bag arm elevators) and chutes~~

~~WAC 296-806-42518.~~

~~Follow these requirements for chain tackle~~

~~WAC 296-806-42520.~~

~~Safeguard conveyors~~

~~WAC 296-806-42522.~~

~~Use properly designed covers for screw conveyors (augers)~~

~~WAC 296-806-42524.~~

~~Safeguard pallet jacks and hand trucks~~

~~WAC 296-806-42526.~~

**SPECIFIC FOOD PROCESSING EQUIPMENT**

~~Safeguard bakery slicers~~

~~WAC 296-806-42528.~~

~~Safeguard bakery wrapping machines~~

~~WAC 296-806-42530.~~

Provide troughs with antifriction bearing casters  
~~WAC 296-806-42532.~~  
 Follow these requirements for trough hoists and similar equipment  
~~WAC 296-806-42534.~~  
 Follow these requirements for dividers  
~~WAC 296-806-42536.~~  
 Safeguard manually fed dough and cross-roll brakes  
~~WAC 296-806-42538.~~  
 Provide a guard or tripping device on reversible dough brakes  
~~WAC 296-806-42540.~~  
 Follow these requirements for doughnut machines  
~~WAC 296-806-42542.~~  
 Follow these requirements for dumpbins and blenders  
~~WAC 296-806-42544.~~  
 Follow these requirements for flour-handling machines  
~~WAC 296-806-42546.~~  
 Follow these requirements for traveling or track-type flour scales  
~~WAC 296-806-42548.~~  
 Follow these requirements for food grinders and cutters  
~~WAC 296-806-42550.~~  
 Provide covers with interlocks on ingredient premixers, emulsifiers, and similar machines  
~~WAC 296-806-42552.~~  
 Follow these requirements for open fat kettles  
~~WAC 296-806-42554.~~  
 Follow these requirements for steam kettles  
~~WAC 296-806-42556.~~  
 Follow these requirements for chocolate melting, refining, and mixing kettles  
~~WAC 296-806-42558.~~  
 Safeguard meat processing equipment (circular meat-cutting saws)  
~~WAC 296-806-42560.~~  
 Follow these requirements for horizontal dough mixers  
~~WAC 296-806-42562.~~  
 Follow these requirements for vertical mixers  
~~WAC 296-806-42564.~~  
 Follow these requirements for mechanical feed moulders  
~~WAC 296-806-42566.~~  
 Follow these requirements for hand-fed moulders  
~~WAC 296-806-42568.~~  
 Design, install, and construct your ovens according to these requirements  
~~WAC 296-806-42570.~~  
 Properly locate emergency "stop" buttons and main shut off valves for ovens  
~~WAC 296-806-42572.~~  
 Inspect and test safety devices on ovens  
~~WAC 296-806-42574.~~  
 Follow these requirements for peanut cooling trucks  
~~WAC 296-806-42576.~~  
 Follow these requirements for pretzel rolling, pretzel-stick extruding, rotary, and die machines  
~~WAC 296-806-42578.~~  
 Safeguard box and roll type dough sheeters  
~~WAC 296-806-42580.~~

Provide proper enclosures for sifters  
~~WAC 296-806-42582.~~  
 Follow these requirements for sugar and spice pulverizers  
~~WAC 296-806-42584.))~~

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Provide locks on chamber doors of large air conditioning units</u>	<u>WAC 296-806-42502</u>
<u>Use proper door locks on rack-type bread coolers</u>	<u>WAC 296-806-42504</u>
<u>Provide see-through panels on fermentation room doors</u>	<u>WAC 296-806-42506</u>
<u>Cover exposed hot pipes</u>	<u>WAC 296-806-42508</u>
<u>Provide extension piping on stationary lubrication fittings</u>	<u>WAC 296-806-42510</u>
<u>Provide hoods for pan-washing tanks</u>	<u>WAC 296-806-42512</u>
<u>Safeguard proof boxes</u>	<u>WAC 296-806-42514</u>
<u>Safeguard storage bins</u>	<u>WAC 296-806-42016</u>

**((FACILITIES))**

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42502 Provide locks on chamber doors of large air conditioning units. ((~~You must:~~**  
 •) You must make sure all door locks on air conditioning unit chambers, that are large enough for employees to enter, can be operated from both inside and outside the chamber.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42504 Use proper door locks on rack-type bread coolers. ((~~You must:~~**  
 •) You must make sure all door locks can be operated from both inside and outside the bread cooler.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42506 Provide see-through panels on fermentation room doors. ((~~You must:~~**  
 •) You must provide shatterproof, see-through panels, made of wire glass or plastic, on fermentation room doors.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42508 Cover exposed hot pipes. ((~~You must:~~**

\*) You must cover exposed hot (160°F or more) water and steam pipes with insulating material wherever necessary to prevent employee contact.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42510 Provide extension piping on stationary lubrication fittings. (~~You must:~~**

\*) You must provide extension piping on stationary lubrication fittings to prevent workers from reaching into the hazardous area when lubricating moving machinery.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42512 Provide hoods for pan-washing tanks.**

~~(Exemption:)~~ This requirement does not apply to dishwashers or sanitizers used in restaurants or retail establishments.

~~((You must:~~

\*) You must provide power-ventilated exhaust hoods over the tank.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42514 Safeguard proof boxes. (~~You must:)~~**

(1) You must make sure all door locks can be operated from both inside and outside the proof box.

(2) You must provide guide rails to center the racks as they enter, pass through, and leave the proof box if pans, boards, or trays may be easily dislodged.

**Note:** Guide rails are not required in proof boxes unless there are two doors with a pass through or pull through design.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-806-42516 Safeguard storage bins.**

~~(Exemption:)~~ This requirement does not apply to under-the-counter ingredient bins found in retail stores.

~~((You must:)~~

(1) You must provide locks or latches to keep storage bin covers closed, and gaskets or other equivalent devices, to make sure covers are dust tight.

(2) You must make sure employees lock covers in the open position when entering bins. ((\*) Covers for bins that employees may enter must have a metal fastener (hasp) and lock that can be locked in the "open" position.

(3) You must provide a standard stationary safety ladder on the inside and outside of storage bins with sides more than five feet deep.

((\*) (a) The ends of ladders must be kept away from moving screw conveyors.

((\*) (b) Outside ladders must reach from floor level to the top of the bin.

((\*) (c) Inside ladders must reach from the top of the bin to the bottom of the bin.

(4) You must provide an electric interlock on the main entrance cover of large storage bins near the interior exit ladder. ((\*) The interlock needs to prevent feed and unloading screw motors from operating while the cover is open.

**Reference:** You may need to follow other requirements found in chapter 296-809 WAC, Confined spaces.

~~((MATERIAL HANDLING))~~

NEW SECTION

**WAC 296-806-42517 Material handling.**

<b>You must meet the requirements...</b>	<b>in this section:</b>
Follow these design requirements for bag lifts (bag arm elevators) and chutes	WAC 296-806-42518
Follow these requirements for chain tackle	WAC 296-806-42520
Safeguard conveyors	WAC 296-806-42522
Use properly designed covers for screw conveyors (augers)	WAC 296-806-42524
Safeguard pallet jacks and hand trucks	WAC 296-806-42526

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42518 Follow these design requirements for bag lifts (bag arm elevators) and chutes. (~~You must:)~~**

(1) You must make sure bag arm elevators with manual takeoff are designed to include:

((\*) (a) Maximum operating capacity of seven bags per minute.

((\*) (b) Spacing of arms on the conveyor chain to obtain the full capacity of the elevator with the lowest possible chain speed.

((\*) (c) An electric limit switch at the unloading end that automatically stops the conveyor chain if any bag does not clear the conveyor arms.

(2) You must make sure bag chutes (gravity chutes for handling flour bags) that incline more than thirty degrees from horizontal:

((\*) (a) Are designed to keep the speed of flour bags as low as possible.

((\*) (b) Provide an upturn at the lower end of the chute to slow down the bags.

(3) You must prohibit the use of bag or barrel lifts as personnel lifts.

(4) You must prohibit manlifts in bakeries.

~~((Definition:~~

**Manlift**

~~A device consisting of a power driven endless belt moving in one direction only, and provided with steps or plat-~~



~~forms and handholds attached to it for the transportation of personnel from floor to floor.))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42520 Follow these requirements for chain tackle. ((You must:))**

- (1) You must mark all chain tackle with the maximum load capacity so the marking is:
  - ((\*) (a) Prominently displayed.
  - ((\*) (b) Legible.
  - ((\*) (c) Permanent.
- (2) You must mark all chain tackle with minimum support specifications so the marking is legible and permanent.
- (3) You must use safety hooks with chain tackle.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42522 Safeguard conveyors. ((You must:))**

- (1) You must install stop bumpers on all delivery ends of conveyors when products are manually removed.
- (2) You must make sure all conveyors have "stop" buttons at all operating stations.
- (3) You must provide emergency stop bars or switches at any point where both of these exist:
  - ((\*) (a) The conveyor feeds into a machine; ((AND
  - \*) and
  - (b) Pinch points or catching hazards exist.

**Reference:** Additional requirements for conveyors are found in WAC 296-806-420.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42524 Use properly designed covers for screw conveyors (augers).**

~~((Exemption:))~~ This requirement does not apply to screw conveyors where there are drop or hinged bottom sections that cannot remain airtight.

- ~~((You must:))~~
- \*) You must design covers for screw conveyors that are:
    - ((-) (1) Removable in convenient sections.
    - ((-) (2) Held in place with stationary clamps. ((#))
- Locate stationary clamps at intervals that will keep all covers dust tight.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42526 Safeguard pallet jacks and hand trucks. ((You must:))**

- (1) You must make sure motorized and nonmotorized pallet jacks have a lock or other device that holds the handle in the vertical position when the hand truck is not in use.
- (2) You must make sure hand truck casters are set back from corners((:

\*) Locate them back from corners so they do not present a hazard to employee's toes and heels, but not close enough to cause the hand truck to become unstable.

**Reference:** Motorized hand trucks (pallet jacks) are classified as powered industrial trucks. Additional requirements for powered industrial trucks are found in chapter 296-863 WAC.

~~((SPECIFIC FOOD PROCESSING EQUIPMENT))~~

NEW SECTION

**WAC 296-806-42527 Specific food processing equipment.**

<b>You must meet the requirements...</b>	<b>in this section:</b>
Safeguard bakery slicers	WAC 296-806-42528
Safeguard bakery wrapping machines	WAC 296-806-42530
Provide troughs with anti-friction-bearing casters	WAC 296-806-42532
Follow these requirements for trough hoists and similar equipment	WAC 296-806-42534
Follow these requirements for dividers	WAC 296-806-42536
Safeguard manually-fed dough and cross-roll brakes	WAC 296-806-42538
Provide a guard or tripping device on reversible dough brakes	WAC 296-806-42540
Follow these requirements for doughnut machines	WAC 296-806-42542
Follow these requirements for dumpbins and blenders	WAC 296-806-42544
Follow these requirements for flour-handling machines	WAC 296-806-42546
Follow these requirements for traveling or track-type flour scales	WAC 296-806-42548
Follow these requirements for food grinders and cutters	WAC 296-806-42550
Provide covers with interlocks on ingredient premixers, emulsifiers, and similar machines	WAC 296-806-42552
Follow these requirements for open fat kettles	WAC 296-806-42554
Follow these requirements for steam kettles	WAC 296-806-42556

<b>You must meet the requirements...</b>	<b>in this section:</b>
Follow these requirements for chocolate melting, refining, and mixing kettles	WAC 296-806-42558
Safeguard meat-processing equipment (circular meat-cutting saws)	WAC 296-806-42560
Follow these requirements for horizontal dough mixers	WAC 296-806-42562
Follow these requirements for vertical mixers	WAC 296-806-42564
Follow these requirements for mechanical-feed moulders	WAC 296-806-42566
Follow these requirements for hand-fed moulders	WAC 296-806-42568
Design, install, and construct your ovens according to these requirements	WAC 296-806-42570
Properly locate emergency "stop" buttons and main shut off valves for ovens	WAC 296-806-42572
Inspect and test safety devices on ovens	WAC296-806-42574
Follow these requirements for peanut-cooling trucks	WAC 296-806-42576
Follow these requirements for pretzel-rolling, pretzel-stick extruding, rotary, and die machines	WAC 296-806-42578
Safeguard box and roll-type dough sheeters	WAC 296-806-42580
Provide proper enclosures for sifters	WAC 296-806-42582
Follow these requirements for sugar and spice pulverizers	WAC 296-806-42584

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42528 Safeguard bakery slicers. ((You must:))**

- (1) You must provide all slicers with a mechanical device to push the last loaf through the slicer knives.
- (2) You must equip all slicers with an interlock to deenergize the motor whenever a door, panel, or other point of access to the cutting blades is open.
- (3) You must protect employees sharpening blades by installing a barrier guard that provides an opening large enough for the sharpening stone to reach and sharpen slicer blades.

(4) You must provide automatic braking to stop slicers with endless band knives when the motor is not energized.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42530 Safeguard bakery wrapping machines. ((You must:))**

(1) You must extend or locate mechanical control levers that start and stop slicing machine conveyors and wrapping machines so an operator can control both machines from either location.

- Note:**
- ((\*) 1. The levers should be provided wherever necessary, but arranged so only one station can start the wrapping machine and conveyor assembly.
  - ((-) Set up or guard controls to prevent accidental starting.
  - ((\*) 2. The electronic control station for starting and stopping the electric motor that drives the wrapping machine and conveyor should be near the clutch-starting lever.

**((You must:))**

(2) You must provide a protective cover plate over electric heaters on bakery wrapping machines. ((\*) The cover plate must be properly separated or insulated from heaters so the plate itself is not a burn hazard to operators.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42532 Provide troughs with antifriction-bearing casters. ((You must:))**

(\*) You must provide antifriction-bearing casters on troughs so operators can move and direct them with minimal effort.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42534 Follow these requirements for trough hoists and similar equipment. ((You must:))**

- (1) You must mark all hoists and similar equipment with the maximum loading capacity so the marking is:
  - ((\*) (a) Prominently displayed.
  - ((\*) (b) Legible.
  - ((\*) (c) Permanent.
- (2) You must mark all hoists with minimum support specifications so that the marking is legible and permanent.
- (3) You must provide safety catches for the chain so that it will hold the load in any position.
- (4) You must use safety hooks with hoists.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42536 Follow these requirements for dividers. ((You must:))**

- (\*) You must enclose or safeguard the moving parts in the back of the divider with **all** of the following:
  - ((-) (1) A complete cover to enclose **all** moving parts OR an enclosure or guard for each individual part to remove separate hazards.

((-)) (2) A limit switch to shut off the machine when the rear cover is open.

((-)) (3) A hinged guard on the back that cannot be completely removed.

((■)) (4) You must make sure that, if a catch or brace is provided for holding the cover open, make sure it will not release due to vibrations or minor bumping, causing the cover to drop on an employee.

**Note:** Dividers as discussed in this section utilize pistons, knives and blades to cut and divide large quantities of dough. This does not apply to small vibrating or oscillating rounders.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42538 Safeguard manually-fed dough and cross-roll brakes.** ((~~You must:~~))

(1) You must guard the top roll with a heavy-gage metal shield that extends over the roll to within six inches of the hopper bottom board.

**Note:** The shield may be perforated to allow observation of the dough entering the rolls.

((~~You must:~~))

(2) You must provide an emergency "stop" bar that includes a self-engaging brake.

((★)) (a) Locate it so that if the operator falls forward or gets their hands caught in the rolls, their body will press against the bar, causing the rolls to stop instantly by opening the circuit to:

((-)) (i) Deenergize the drive motor.

((-)) (ii) Activate a spring-set magnetic brake.

((★)) (b) Activate the emergency "stop" bar before each shift to make sure it is functioning properly.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42540 Provide a guard or tripping device on reversible dough brakes.** ((~~You must:~~))

★) You must provide a guard or tripping device on each side of the rolls of reversible dough brakes. ((-)) The guard or device must be designed so that it stops the machine or reverses the direction of the rolls, if moved by the operator.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42542 Follow these requirements for doughnut machines.** ((~~You must:~~))

★) You must provide separate flues for venting both of the following:

((-)) (1) Vapors from the frying section; ((~~AND~~

-)) and

(2) Products of combustion from the combustion chamber used to heat the fat.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42544 Follow these requirements for dumpbins and blenders.** ((~~Definition:~~))

**Dumpbin and blender**

The part of the flour handling system where the containers of flour are emptied.

~~You must:~~)

(1) You must make sure dumpbin and blender hoods are large enough to prevent circulation of flour dust outside the hoods.

(2) You must provide a stop control device for dumpbins and blenders located close to the operator's work station.

(3) You must position dumpbins at an appropriate height from the floor so that operators can dump flour from bags without excessive strain or fatigue.

(4) You must provide a bag rest stop, when the edge of a dumpbin is more than twenty-four inches above the floor.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42546 Follow these requirements for flour-handling machines.** ((~~You must:~~))

★) You must make sure the following safeguards are used when flour-handling systems are run in electrical unity with one another:

((-)) (1) When the beginning of the system is located far from its final delivery end, make sure:

((■)) (a) All electric motors operating the system have one control at each end; ((~~AND~~

■)) and

(b) Either control will stop all motors.

((-)) (2) Arrange control circuits for magnetic controllers so opening **any** limit switch on an individual unit will deenergize **all** motors on that unit.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42548 Follow these requirements for traveling or track-type flour scales.** ((~~You must:~~))

★) (1) You must provide bar handles for the moving of traveling or track-type flour scales.

**Note:** For easier grip, the bar should be at least one inch in diameter.

((~~You must:~~))

★) (2) You must guard trolley track wheels.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42550 Follow these requirements for food grinders and cutters.** ((~~You must:~~))

★) You must make sure that food grinders and cutters:

((-)) (1) Have an interlock so machines with ((~~removable~~)) removable hoppers cannot be operated when the hopper is removed((:)).

((-)) (2) Limit access to hoppers where grid guards cannot be used by providing feed conveyors or baffle-type hoppers. Hoppers must be both:

((■)) (a) Enclosed and provided with hinged covers; ((~~AND~~

■)) and

(b) Equipped with an electric interlock so the machine will not operate with the cover open.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42552 Provide covers with interlocks on ingredient premixers, emulsifiers, and similar machines. ((You must:))**

\*) You must provide covers that attach to machines that have top openings.

**Note:** The covers should be arranged and interlocked so that power to the machine is shut off when the cover is opened far enough for the operator's fingers to come in contact with the beaters.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42554 Follow these requirements for open fat kettles. ((You must:))**

(1) You must keep the floor around kettles in nonslip condition.

(2) You must make sure the top of the kettle is at least thirty-six inches above the floor or working level.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42556 Follow these requirements for steam kettles. ((You must:))**

(1) You must provide positive locking devices to hold kettles in the desired position.

(2) You must provide safety devices for steam kettles according to: ((\*) The American Society of Mechanical Engineers (ASME) Pressure Vessel Code, section VIII, division I, Unfired Pressure Vessels, 2001, Kettles with Steam Jackets.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42558 Follow these requirements for chocolate melting, refining, and mixing kettles. ((You must:))**

(1) You must provide a cover to enclose the top of the kettle.

(2) You must make sure the bottom outlet of each kettle is designed so the operator cannot:

((\*) (a) Reach in to touch the revolving paddle.

((\*) (b) Come in contact with the shear point between the paddle and the side of the kettle.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42560 Safeguard meat-processing equipment (circular meat-cutting saws).**

**((Exemption:))** These requirements do not apply to table-top slicers such as those used in delis and restaurants.  
**EXEMPTION:**

**Reference:** When bandsaws are used to cut meat, follow the requirements in, Make sure bandsaws meet these requirements, WAC 296-806-48042.

~~((You must:))~~

(1) Make sure all circular meat-cutting saws have both:

~~((\*) (a) Constant pressure controls; ((AND \*) and~~

~~(b) A brake that automatically begins to stop the blade when the switch is released.~~

(2) You must make sure each circular meat-cutting saw has a protective guard between the operator and the blade.

(3) You must provide suspended, counterbalanced circular meat-cutting saws with guards that cover at least one of the following:

~~((\*) (a) Twenty-five degrees of the blade if the saw has two-hand controls; ((OR~~

~~\*) or~~

~~(b) Ninety degrees of the blade if the saw can be operated with one hand.~~

(4) You must provide saws that are not suspended with a guard that covers ninety degrees of the blade.

**Note:** The size of the guard depends on whether it is suspended or has one- or two-handed controls.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42562 Follow these requirements for horizontal dough mixers. ((You must:))**

(1) You must make sure mixers are equipped with both of the following:

~~((\*) (a) An individual motor and control; ((AND~~

~~\*) and~~

~~(b) A conveniently located manual switch that prevents the mixer from being started during servicing or cleaning.~~

(2) You must locate electrical control stations so control operators have a full view of bowls in the "open" position. ((\*) These controls, other than a "stop" switch, must not be duplicated.

(3) You must provide mixers with a full enclosure over the bowl that remains closed whenever the agitator is in motion. ((\*) Minor openings in the enclosure during operation, such as ingredient doors and flour inlets, must each be less than one and one-half square feet in area.

**((Exemption:))** The full enclosure does not have to remain closed if the mixer has a dumping arrangement that provides safety devices where operators must use both hands in either of these situations:

~~((\*) 1. When the agitator is in motion under power and the bowl is open more than one-fifth of its total opening; ((OR) or~~

~~((\*) 2. When starting the agitator, if the bowl is open more than one-fifth of its total opening.~~

~~((You must:))~~

(4) You must make sure overhead covers or doors that can accidentally close are either:

(a) Counterbalanced to remain in the "open" position;

~~((OR~~  
~~\*) or~~

(b) Provided with a catch, brace, or other positive means to hold them open until the operator releases them.

(5) You must locate valves and controls that regulate the coolant in mixer jackets so they can be accessed without creating hazards to the operator.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42564 Follow these requirements for vertical mixers. (~~You must~~)**

(1) You must provide a safeguarding device to protect employees from the point of operation, if the nature of the work exposes them to contact with:

((\*) (a) The pinch point where the mixing tool meets the bowl.

((\*) (b) The catching hazard of the mixing tool.

**Note:** ((\*) When evaluating exposure, the following conditions need to be considered:

((-) 1. How the mixer functions such as visibility of the agitator or ability to accidentally switch the mixer on.

((-) 2. How the worker performs operations such as adding ingredients without scraping the bowl or reaching into the bowl when the mixer is in motion.

((-) 3. How close the worker gets to the hazard during operation.

((-) 4. The worker's tools, clothing, jewelry, or hair that might get caught or fall into mixer.

((-) 5. Type of guarding, if any.

((-) 6. Slipping or tripping hazards in the area.

((~~You must~~))

(2) You must make sure mixers are equipped with both of the following:

((\*) (a) An individual motor and control; (~~AND~~

\*) and

(b) A conveniently located manual switch that prevents the mixer from being started during servicing or cleaning.

(3) You must make sure overhead panels or doors on mixers that can accidentally close are either:

((\*) (a) Counterbalanced to remain in an open position; (~~OR~~

\*) or

(b) Provided with catches, braces, or other positive means to hold them open until the operator releases them.

(4) You must make sure bowl-locking devices are the type that must be intentionally unlocked by the operator.

(5) You must provide devices for moving filled bowls that weigh more than eighty pounds in and out of the mixing position on the machine.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42566 Follow these requirements for mechanical-feed moulders. (~~You must~~**

\*) You must make sure hoppers for mechanical-feed moulders are designed and connected to the proofer so employee's hands cannot contact the in-running rolls.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42568 Follow these requirements for hand-fed moulders. (~~You must~~)**

(1) You must provide hand-fed moulders with either of the following, so employee's hands cannot enter the hopper and contact in-running rolls:

((\*) (a) A hopper that can be extended high enough to protect the employee(~~(;-)~~). The top edge of the hopper needs to be well rounded to prevent injury when struck or bumped by an employee's hand; (~~OR~~

\*) or

(b) A belt feed device.

(2) You must provide each of these workers with a stopping device that can be easily reached:

((\*) (a) The operator feeding the moulder.

((\*) (b) The employee taking the dough away from the moulder.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42570 Design, install, and construct your ovens according to these requirements. (~~You must~~)**

((\*) (1) You must make sure all ovens manufactured or installed before August 13, 1999 meet or exceed ANSI Z50.1-1947 design, manufacturing, and installation requirements.

((\*) (2) You must make sure all ovens manufactured or installed on or after August 13, 1999 meet the design, manufacturing, and installation requirements in ANSI/NFPA 86-1999.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42572 Properly locate emergency "stop" buttons and main shut off valves for ovens. (~~You must~~)**

(1) You must locate emergency stop buttons on mechanical ovens close to where operators are stationed.

(2) You must locate main shutoff valves where they can be accessed in case of an emergency. ((\*) Main shutoff valves that permit turning off the fuel or steam in case of an emergency must operate independently of any automatic valves.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42574 Inspect and test safety devices on ovens. (~~You must~~)**

(1) You must inspect ovens at least twice a month by a formally appointed, properly trained, bakery employee. ((\*) Include the following in your inspection:

((-) (a) All safety devices.

((-) (b) Testing of all safety shutoff valves, making sure they are positively tight.

(2) You must make sure a representative of the oven manufacturer performs an annual inspection.

(3) You must test all piping on ovens to make sure they are gas tight.

(4) You must test oven ~~((systems as follows: • Test))~~ duct systems on indirect recirculating ovens that operate under pressure for tightness at the following intervals:

((-) (a) When the oven is first started.

((-) (b) At least every six months after that.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42576 Follow these requirements for peanut-cooling trucks. ((You must:**

•)) You must make sure the entire top of the peanut-cooling truck has a grid-type cover.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42578 Follow these requirements for pretzel-rolling, pretzel stick extruding, rotary, and die machines. ((You must:**

•)) You must protect the operator's hands from getting caught in moving parts by doing **at least one** of the following:

((-) (1) Cover the entire opening of dough hoppers with grid-type guards.

((-) (2) Extend the hopper higher.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42580 Safeguard box and roll-type dough sheeters. ((You must:))**

(1) You must guard exposed rolls with **either** of these methods:

((•) (a) Guard the nip point of exposed sheeting rolls at the point where the dough enters the rolls; ~~((OR~~

•)) **or**

(b) Provide an emergency "stop" bar that extends the length of unguarded rolls that will stop the rolls on contact with the operator, if a barrier guard interferes with machine operation.

(2) You must provide a stopping device for hoppers.

((•) (a) Provide an automatic "stop" bar or stopping device along the back edge of the hopper.

((-) (b) If machine construction does not allow for this, place the bar or device where it will be most effective.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42582 Provide proper enclosures for sifters. ((You must:**

•)) You must make sure enclosures on flour sifters:

((-) (1) Are dust tight.

((-) (2) Allow for ease of interior inspection.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-42584 Follow these requirements for sugar and spice pulverizers. ((You must:))**

(1) You must remove static electricity by grounding all drive belts used in sugar and spice pulverizers by using metal combs.

(2) You must follow the National Fire Protection Association (NFPA) 61-1999, standard for pulverizing sugar and spice grinding in order to prevent fires and dust explosions in agricultural and food products facilities.

(3) You must provide magnetic separators to reduce fire and explosion hazards.

### **((FORGING MACHINES))**

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-430 ((Summary:)) Forging machines. Summary**

If your specific machine or operation is not listed here, then follow any general requirements in this section along with the "Requirements for all machines" found in this chapter, WAC 296-806-200 and 296-806-300.

The requirements in this section apply to machines used in the forming of hot metal, such as hot trimming presses, forging hammers, hot forging presses, upsetters, hot bending and hot metal presses, and equipment used in bolthead and rivet making, as well as other forging equipment. For specific forging machine requirements, see Table 430-1.

~~((Exemption:))~~ This section does not apply to cold forging operations.  
**EXEMPTION:**

#### **Your responsibility:**

To make sure all forging and associated equipment in your workplace are constructed, operated, and maintained in a safe manner.

~~((You must:))~~

#### **GENERAL REQUIREMENTS FOR FORGING MACHINES**

~~((Follow these safety requirements when using lead and lead casts~~

~~WAC 296-806-43002.~~

~~Properly inspect and maintain forging equipment~~

~~WAC 296-806-43004.~~

~~Use safety blocks on hammers and presses~~

~~WAC 296-806-43006.~~

~~Make sure tongs meet these requirements~~

~~WAC 296-806-43008.~~

~~Protect employees when removing scale~~

~~WAC 296-806-43010.~~

~~Provide adequate foundations for hammers and presses~~

~~WAC 296-806-43012.~~

~~Follow these requirements for manually operated valves and switches~~

~~WAC 296-806-43014.~~

#### **HAMMERS**

~~Use die keys and shims made of proper grade material~~

~~WAC 296-806-43016.~~

~~Provide a safety cylinder head~~

WAC 296-806-43018.  
 Provide a shutoff valve  
 WAC 296-806-43020.  
 Provide a means for cylinder draining  
 WAC 296-806-43022.  
 Follow these requirements for pressure pipes  
 WAC 296-806-43024.  
 Follow these requirements when using board hammers  
 WAC 296-806-43026.  
**OTHER FORGE FACILITY EQUIPMENT**  
 Protect against sparks from saws  
 WAC 296-806-43028.))

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Follow these safety requirements when using lead and lead casts</u>	<u>WAC 296-806-43002</u>
<u>Properly inspect and maintain forging equipment</u>	<u>WAC 296-806-43004</u>
<u>Use safety blocks on hammers and presses</u>	<u>WAC 296-806-43006</u>
<u>Make sure tongs meet these requirements</u>	<u>WAC 296-806-43008</u>
<u>Protect employees when removing scale</u>	<u>WAC 296-806-43010</u>
<u>Provide adequate foundations for hammers and presses</u>	<u>WAC 296-806-43012</u>
<u>Follow these requirements for manually operated valves and switches</u>	<u>WAC 296-806-43014</u>

**Table 430-1**  
**Specific Requirements for Forging Machines**

<u>WACs needed in addition to those included under "General Requirements for Forging Machines"</u>	<u>Steam hammers</u>	<u>Airlift hammers</u>	<u>Board hammers</u>	<u>Saws</u>
<del>((WACs needed in addition to those included under "General Requirements for Forging Machines"))</del>				
WAC 296-806-43016 Use die keys and shims made of proper-grade material	X	X		
WAC 296-806-43018 Provide a safety cylinder head	X	X		

<u>WACs needed in addition to those included under "General Requirements for Forging Machines"</u>	<u>Steam hammers</u>	<u>Airlift hammers</u>	<u>Board hammers</u>	<u>Saws</u>
WAC 296-806-43020 Provide a shutoff valve	X	X		
WAC 296-806-43022 Provide a means for cylinder draining	X	X		
WAC 296-806-43024 Follow these requirements for pressure pipes	X	X		
WAC 296-806-43026 Follow these requirements when using board hammers			X	
WAC 296-806-43028 Protect against sparks from saws				X

**((GENERAL REQUIREMENTS FOR FORGING))**

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-43002 Follow these safety requirements when using lead and lead casts. ((You must:))**

- (1) You must provide thermostats for heating elements to prevent overheating.
- (2) You must provide a means of exhaust for fixed or permanent lead pot installations.
- (3) You must provide a covered container to store dross skimmings.
- (4) You must keep equipment clean, especially from accumulations of yellow lead oxide.

**Reference:** ((\*) 1. For requirements about, Personal protective equipment (PPE), see the Safety and health core rules, WAC 296-800-160.  
 ((\*) 2. For ventilation requirements when using portable lead pot units, see the General occupational health standards, chapter 296-62 WAC.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-43004 Properly inspect and maintain forging equipment. ((You must:))**

- (\*) (1) You must keep all forge shop equipment in safe operating condition.
- (\*) (2) You must train personnel in proper inspection and maintenance procedures.
- (\*) (3) You must establish periodic and regular safety inspections.

((\*) (4) You must schedule frequent and regular safety inspections of all guards and point-of-operation protection devices.

((\*) (5) You must keep written records of safety inspections that include all of the following:

- ((-) (a) Date of the inspection.
- ((-) (b) Signature of the person doing the inspection.
- ((-) (c) Serial number or other identification for the piece of equipment inspected.

((\*) (6) You must safeguard all overhead machinery parts so they do not fly off or fall, if the equipment breaks.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-43006 Use safety blocks on hammers and presses.** (~~You must:~~

\*) (1) You must use safety blocks on hammers and presses when dies are being changed and maintenance or repair work is being done on the machine.

((\*) (2) You must provide safety blocks or wedges that meet or exceed the specifications and dimensions shown in Table 430-2.

**Table 430-2  
Strength and Dimensions for Wood Safety Blocks or Wedges**

Size of timber inches using actual dimensions	4x4	6x6	8x8	10x10	12x12	
Square inches in cross section	16	36	64	100	144	
Minimum allowable crushing strength parallel to grain, p.s.i.	5,000	5,000	5,000	5,000	5,000	<b>Note:</b> Adapted from U.S. Department of Agriculture Technical Bulletin 479. Hardwoods recommended are those whose ultimate crushing strengths in compression parallel to grain are 5,000 p.s.i. (pounds per square inch) or greater.
Maximum static load within short column range	80,000	180,000	320,000	500,000	720,000	<b>Note:</b> Slenderness ratio formula for short columns is $L/d = 11$ , where L = length of timber in inches and d = least dimension in inches; this ratio should not exceed 11.
Safety factor	10	10	10	10	10	
Maximum recommended weight of forging hammer for timber used	8,000	18,000	32,000	50,000	72,000	
Maximum allowable length of timber in inches	44	66	88	100	132	

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-43008 Make sure tongs meet these requirements.** (~~You must:~~

\*) You must make sure tongs used with hammers, presses, upsetters, and forging equipment used in bolthead and rivet making, meet the following requirements:

- ((-) (1) They are long enough so the worker can use the tongs without standing behind them, in order to avoid injury, in case of kickback.
- ((-) (2) The handle ends are not sharp.

- Note:**
- ((\*) 1. The worker should be instructed about proper body positions when using tongs.
  - ((\*) 2. Tongs should be checked periodically to see that they remain at the proper hardness level for the job.

((\*) 3. Rings or equivalent devices that are used for locking tongs should be inspected periodically to make sure they are safe.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-43010 Protect employees when removing scale.** (~~You must:~~

\*) You must protect employees at every hammer and press by:

- ((-) (1) Making sure they do not place a hand or arm between the dies by providing them with devices that reach the full length of the die when removing scale. Examples include:

- ((\*) (a) Oil swabs.



((■)) (b) Scale removers.

((■)) (c) Other devices that remove scale by reaching the full length of the die.

((-) (2) Stopping flying scale through construction and arrangement of a scale guard that is of *substantial construction* at the back of every hammer and press.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-43012 Provide adequate foundations for hammers and presses.** ((~~You must:~~

•)) You must provide foundations adequate to support the imposed weight and normal work stress for hammers and presses. ((-) Hammers and presses must remain on their foundations.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-43014 Follow these requirements for manually operated valves and switches.** ((~~You must:~~

•)) You must make sure all manually operated valves and switches are clearly identified and readily accessible for all of the following:

((-) (1) Presses.

((-) (2) Upsetters.

((-) (3) Forging equipment involved in bolthead and rivet making.

**((HAMMERS))**

NEW SECTION

**WAC 296-806-43015 Hammers.**

You must meet the requirements...	in this section:
Use die keys and shims made of proper-grade material	WAC 296-806-43016
Provide a safety cylinder head	WAC 296-806-43018
Provide a shutoff valve	WAC 296-806-43020
Provide a means for cylinder draining	WAC 296-806-43022
Follow these requirements for pressure pipes	WAC 296-806-43024
Follow these requirements when using board hammers	WAC 296-806-43026

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-43016 Use die keys and shims made of proper-grade material.** ((~~You must:~~

•)) You must make sure that die keys and shims are made from a grade of material that will not easily crack or splinter.

**Note:** Die keys and shims should not project more than two inches in front and four inches in back of the ram or die.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-43018 Provide a safety cylinder head.** ((~~You must:~~

•)) You must make sure that every steam, airlift, or air hammer has a safety cylinder head that acts as a cushion if the rod breaks or pulls out of the ram.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-43020 Provide a shutoff valve.** ((~~You must:~~

•)) You must provide each steam and airlift hammer with a quick-closing emergency valve in the admission pipeline that is distinctly marked and in a convenient location. ((-) This valve needs to be closed and locked in the "off" position when the hammer is being adjusted, repaired, or serviced, or the dies are being changed.

**Reference:** For requirements about Lockout/tagout (control of hazardous energy), see chapter 296-803 WAC.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-43022 Provide a means for cylinder draining.** ((~~You must:~~

•)) (1) You must provide a means for draining cylinders on steam hammers.

((•)) (2) You must provide airlift hammers with both main head and clamp cylinder drains.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-43024 Follow these requirements for pressure pipes.** ((~~You must:~~

•)) You must provide steam or air pressure piping on power-driven hammers that meets or exceeds the requirements in:

((-) (1) ANSI B31.1.0-1967, Power Piping, with addenda ANSI B31.1.06-1971, for hammers constructed before January 1, 2005.

((-) (2) ANSI B31.1.0-2001, Power Piping, with addenda ANSI B31.1.0A-2001, for hammers constructed on or after January 1, 2005.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-43026 Follow these requirements when using board hammers.** ((~~You must:~~

•)) (1) You must securely fasten a suitable enclosure to gravity-dropped board hammers to prevent damaged or detached boards from falling.

((•)) (2) You must properly secure all major assemblies and fittings that can loosen and fall.

~~((OTHER FORGE FACILITY EQUIPMENT))~~

NEW SECTION

**WAC 296-806-43027 Other forge facility equipment.**

<b>You must meet the requirements...</b>	<b>in this section:</b>
Protect against sparks from saws	WAC 296-806-43028

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-43028 Protect against sparks from saws. (~~You must:~~**

**\*) You must** provide all saws with a sheet metal guard that is positioned to stop sparks. ~~(-)~~ The guard must be constructed of at least one-eighth inch sheet metal.

**Note:** It is advisable to provide all saws with a means to trap sparks below the saw and to use a tank of water below the saw to reduce the fire hazard.

**Reference:** Other saw requirements may be found in, Saws and cutting heads, WAC 296-806-480.

~~((GARBAGE (WASTE) DISPOSALS))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-435 ((Summary:)) Garbage waste disposals.**

**Summary**

In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

~~(\*)~~ Requirements for all machines, WAC 296-806-200 and 296-806-300.

This section applies to the hazards associated with garbage (waste) disposals found in the workplace. These requirements are designed to protect employees from hazards associated with the point of operation and flying materials.

**Your responsibility:**

To protect employees from hazards associated with garbage (waste) disposals.

~~(You must:~~

~~Safeguard garbage waste disposal equipment - WAC 296-806-43502.)~~

<b><u>You must meet the requirements...</u></b>	<b><u>in this section:</u></b>
<u>Safeguard garbage (waste) disposal equipment</u>	<u>WAC 296-806-43502</u>

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-43502 Safeguard garbage (waste) disposal equipment. (~~You must:~~)**

(1) You must protect employees exposed to the hazards of screw conveyor disposals with a properly designed and mounted trimboard cover that remains in place during operation.

(2) You must provide guarding to protect employees from contact with knives or blades of disposal units. ~~(\*)~~ The guards need to be strong enough so that an employee's downward thrusting motion will not cause the guard material to open larger than two inches.

**Reference:** ~~(\*)~~ You may need to follow additional requirements found in, Make sure guards meet these requirements, WAC 296-806-20042, to keep employees from contacting the knives or blades of disposals.

~~((GLUE SPREADERS))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-440 ((Summary:)) Glue spreaders.**

**Summary**

In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

~~(\*)~~ Requirements for all machines, WAC 296-806-200 and 296-806-300.

This section applies to safeguarding and emergency controls used to protect employees from the hazards associated with cleaning and operating glue spreaders.

**Your responsibility:**

To protect employees from hazards associated with glue spreaders.

~~(You must:~~

~~Provide guards and automatic shutoffs on glue spreaders - WAC 296-806-44002.)~~

<b><u>You must meet the requirements...</u></b>	<b><u>in this section:</u></b>
<u>Provide guards and automatic shutoffs on glue spreaders</u>	<u>WAC 296-806-44002</u>

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-44002 Provide guards and automatic shutoffs on glue spreaders. (~~You must:~~**

**\*) (1) You must** enclose the in-running side of glue spreaders, leaving enough space to insert stock.

~~(\*)~~ (2) You must provide an emergency stop control, such as a panic bar or similar device, that can be reached from the infeed and outfeed sides of the spreader to shut off the power in an emergency.

**Note:** You may need two controls to reach the emergency stop control from both the infeed and outfeed sides.

**((IRONWORKERS))**

**((LATHES))**

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-445 ((Summary:)) Ironworkers.**

**WAC 296-806-450 ((Summary:)) Lathes.**

**Summary**

**Summary**

In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

((\*) Requirements for all machines, WAC 296-806-200 and 296-806-300.

((\*) Requirements for all machines, WAC 296-806-200 and 296-806-300.

This section applies to the hazards associated with hydraulic and mechanical ironworkers.

This section applies to the hazards associated with metal and woodworking lathes.

**Your responsibility:**

**Your responsibility:**

To protect employees from hazards associated with ironworkers.

To protect employees from hazards associated with metal and woodworking lathes.

**~~((You must:~~**

**METAL LATHES**

~~Safeguard ironworkers point of operation~~

**~~((You must:~~**

~~WAC 296-806-44502.~~

~~Provide shields or guards on metal lathes for chip or coolant hazards~~

~~Follow these requirements for adjustable restrictors when safeguarding ironworkers~~

~~WAC 296-806-45002.~~

~~WAC 296-806-44504.))~~

~~Safeguard work-holding devices (chucks)~~

~~WAC 296-806-45004.~~

~~Follow these requirements for chip control and handling~~

~~WAC 296-806-45006.~~

~~Safeguard power-clamping devices~~

~~WAC 296-806-45008.~~

~~Restrain extended workpieces on horizontal lathes~~

~~WAC 296-806-45010.~~

**WOODWORKING LATHES**

~~Guard cutting heads on profile lathes and swing-head lathes~~

~~WAC 296-806-45012.~~

~~Guard cutting heads on turning lathes~~

~~WAC 296-806-45014.~~

~~Guard automatic turning lathes~~

~~WAC 296-806-45016.~~

~~Guard wood lathes used for turning long pieces of stock~~

~~WAC 296-806-45018.))~~

<b><u>You must meet the requirements...</u></b>	<b><u>in this section:</u></b>
<u>Safeguard ironworkers point of operation</u>	<u>WAC 296-806-44502</u>
<u>Follow these requirements for adjustable restrictors when safeguarding ironworkers</u>	<u>WAC 296-806-44504</u>

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-44502 Safeguard ironworkers point of operation. ((You must:**

\*) You must safeguard the different operating stations on ironworkers according to requirements for all machines, safeguarding methods, WAC 296-806-20042 through 296-806-20058.

**~~((Exemption:))~~** If the point-of-operation opening is one-fourth inch or less, safeguarding is not required.  
**EXEMPTION:**

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-44504 Follow these requirements for adjustable restrictors when safeguarding ironworkers. ((You must:**

\*) You must use adjustable restrictors for safeguarding only when guards, devices, or awareness barriers are not feasible.

<b><u>You must meet the requirements...</u></b>	<b><u>in this section:</u></b>
<u>Provide shields or guards on metal lathes for chip or coolant hazards</u>	<u>WAC 296-806-45002</u>
<u>Safeguard work-holding devices (chucks)</u>	<u>WAC 296-806-45004</u>
<u>Follow these requirements for chip control and handling</u>	<u>WAC 296-806-45006</u>
<u>Safeguard power-clamping devices</u>	<u>WAC 296-806-45008</u>
<u>Restrain extended workpieces on horizontal lathes</u>	<u>WAC 296-806-45010</u>

~~((METAL LATHES))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45002 Provide shields or guards on metal lathes for chip or coolant hazards.** ~~((You must:~~

•)) You must provide a shield or other equally effective guard to prevent chips or coolant from being thrown or splashed on the operator, aisle, or other assigned work area, when exposed to these hazards. ((-)) Examples of guards include permanent chip and coolant shields.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-806-45004 Safeguard work-holding devices (chucks).** ~~((You must:~~

•)) You must provide a fixed or movable guard, device, awareness barrier, or peripheral cover over areas exposed to the operator on work-holding devices or chucks when:

((-) (1) They are in the clamped mode and have parts that extend beyond the outside diameter of the holding device.

((-) (2) They have an irregular shape to the periphery of their body.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45006 Follow these requirements for chip control and handling.** ~~((You must:~~

•)) You must make sure employees' hands do not contact chips that are being generated, such as long stringy chips.

**Note:** Chips may be removed by using things such as tools, pullers, brushes, and shovels.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45008 Safeguard power-clamping devices.** ~~((You must:~~

•)) You must protect the operator from the hazards of thrown material when the clamping device does not have adequate pressure to hold the material.

**Note:** ((\*) Examples of safeguarding methods include:  
((-) 1. Interlocks.  
((-) 2. Retaining covers((-■)) that contain the workpiece if it falls or flies out from the clamped work-holding device.  
((-) 3. Visual or audible warnings((-■)) that are located so they can be seen or heard by the operator in the normal work area, making the operator aware that there is no pressure on the clamp side of the actuator.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45010 Restrain extended workpieces on horizontal lathes.** ~~((You must:~~

•)) You must safeguard employees from the hazards of work pieces that extend beyond the edges of the horizontal lathe by:

((-) (1) Restraining work pieces as needed to prevent whipping; ~~((AND~~

-)) and

(2) Isolating work pieces with an awareness barrier, fixed or movable guard, or railing.

~~((WOODWORKING LATHES))~~

NEW SECTION

**WAC 296-806-45011 Woodworking lathes.**

You must meet the requirements...	in this section:
Guard cutting heads on profile lathes and swing-head lathes	WAC 296-806-45012
Guard cutting heads on turning lathes	WAC 296-806-45014
Guard automatic turning lathes	WAC 296-806-45066
Guard wood lathes used for turning long pieces of stock	WAC 296-806-45018

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45012 Guard cutting heads on profile lathes and swing-head lathes.** ~~((You must:~~

•)) (1) You must cover all cutting heads on profile lathes, swing-head lathes, and heel-turning machines with a metal guard.

((\*) (2) You must make sure guards are made of:

((-) (a) Sheet metal at least one-sixteenth inches thick.

((-) (b) Cast iron at least three-sixteenth inches thick.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45014 Guard cutting heads on turning lathes.** ~~((You must:~~

•)) You must install hoods or shields that cover as completely as possible all cutting heads, whether or not they rotate.

**Note:** The hood or shield should be hinged to the machine so it can be moved to make adjustments.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45016 Guard automatic turning lathes.** ~~((You must:~~

•)) You must install hoods that completely enclose the cutter blades, except at contact points where stock is being cut, on the following types of machines:

((-) (1) Shoe last and spoke lathes.

- (-) (2) Doweling machines.
- (-) (3) Heel-turning machines.
- (-) (4) Automatic turning lathes with rotating knives.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45018 Guard wood lathes used for turning long pieces of stock.** ~~((You must: \*~~) You must install long, curved guards extending over lathe tops where work pieces are held only between the two centers, to prevent stock from being thrown out of the machine.

~~((MECHANICAL POWER PRESSES))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-455 ((Summary-)) Mechanical power presses.**

Summary

In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

(\*) Requirements for all machines, WAC 296-806-200 and 296-806-300.

This section applies to mechanically powered machines that transmit force to cut, form, or assemble metal or other materials through tools or dies attached to or operated by slides.

~~((Exemption:))~~ This section does not apply to:

EXEMPTION:

- (\*) 1. Power press brakes.
- (\*) 2. Hydraulic power presses.
- (\*) 3. Pneumatic power presses.
- (\*) 4. Slow-acting horizontal mechanical presses with large beds (bulldozers).
- (\*) 5. Hot bending and hot metal presses.
- (\*) 6. Forging presses and hammers.
- (\*) 7. Riveting machines.
- (\*) 8. Cold headers and cold formers.
- (\*) 9. Eyelet machines.
- (\*) 10. High energy rate presses.
- (\*) 11. Ironworkers and detail punches.
- (\*) 12. Metal shears.
- (\*) 13. Powdered metal presses.
- (\*) 14. Press welders.
- (\*) 15. Turret and plate punching machines.
- (\*) 16. Wire termination machines.
- (\*) 17. Welding presses.

**Reference:**

- (\*) 1. See, Forging machines, for forging press and hammer requirements, WAC 296-806-430.
- (\*) 2. See, Ironworkers, for requirements for ironworkers, WAC 296-806-445.
- (\*) 3. See, Press brakes, for power press brake requirements, WAC 296-806-465.

**Your responsibility:**

To make sure mechanical power presses meet the requirements of this section.

~~((You must:))~~

**Design and construction**

~~((Make sure mechanical power presses are properly designed and constructed  
WAC 296-806-45502.~~

**Safeguarding**

~~Safeguard presses that use unitized tooling  
WAC 296-806-45504.~~

~~Protect operators from guidepost hazards  
WAC 296-806-45506.~~

~~Safeguard the point of operation  
WAC 296-806-45508.~~

~~Make sure point of operation guards are properly designed and constructed  
WAC 296-806-45510.~~

~~Make sure barrier guards used to safeguard the point of operation meet these requirements~~

~~WAC 296-806-45512.~~

~~Make sure point of operation devices are effective  
WAC 296-806-45514.~~

~~Make sure presence sensing devices used to safeguard the point of operation meet these requirements  
WAC 296-806-45516.~~

~~Make sure pull-back devices used to safeguard the point of operation meet these requirements~~

~~WAC 296-806-45518.~~

~~Make sure restraint (holdout) devices used to safeguard the point of operation meet these requirements~~

~~WAC 296-806-45520.~~

~~Make sure two-hand control devices used to safeguard the point of operation meet these requirements~~

~~WAC 296-806-45522.~~

~~Make sure two-hand trip devices used to safeguard the point of operation meet these requirements~~

~~WAC 296-806-45524.~~

~~Provide additional safeguards when the operator puts one or both hands into the point of operation~~

~~WAC 296-806-45526.~~

**Operations**

~~Establish a die setting procedure~~

~~WAC 296-806-45528.~~

~~Handle dies safely~~

~~WAC 296-806-45530.~~

~~Protect die setters during setup and tryout~~

~~WAC 296-806-45532.~~

~~Train press operators~~

~~WAC 296-806-45534.~~

~~Operate mechanical power presses safely~~

~~WAC 296-806-45536.~~

~~Provide tools and other means to protect press operators~~

~~WAC 296-806-45538.~~

~~Inspect and maintain presses~~

~~WAC 296-806-45540.~~

~~Make sure presses and operating practices used in the PSDI mode of operation meet these requirements~~

~~WAC 296-806-45542.))~~

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Make sure mechanical power presses are properly designed and constructed</u>	<u>WAC 296-806-45502</u>

**~~((DESIGN AND CONSTRUCTION))~~**

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45502 Make sure mechanical power presses are properly designed and constructed. (~~You must:~~**

•) (1) You must make sure mechanical power presses manufactured **before** January 1, 2005, meet the requirements of American National Standards Institute (ANSI) B11.1-1971, Safety Requirements for the Construction, Care, and Use of Mechanical Power Presses.

(•) (2) You must make sure mechanical power presses manufactured, reconstructed, or modified **on or after** January 1, 2005, meet the requirements of ANSI B11.1-2001, Safety Requirements for Mechanical Power Presses.

**~~((SAFEGUARDING))~~**

NEW SECTION

**WAC 296-806-45503 Safeguarding.**

<u>You must meet the requirements...</u>	<u>in this section:</u>
Safeguard presses that use unitized tooling	WAC 296-806-45504
Protect operators from guidepost hazards	WAC 296-806-45506
Safeguard the point of operation	WAC 296-806-45508
Make sure point-of-operation guards are properly designed and constructed	WAC 296-806-45510
Make sure barrier guards meet these requirements	WAC 296-806-45512
Make sure point-of-operation devices are effective	WAC 296-806-45514
Make sure presence-sensing devices used to safeguard the point of operation meet these requirements	WAC 296-806-45516
Make sure pull-back devices used to safeguard the point of operation meet these requirements	WAC 296-806-45518

<u>You must meet the requirements...</u>	<u>in this section:</u>
Make sure restraint (hold-out) devices used to safeguard the point of operation meet these requirements	WAC 296-806-45520
Make sure two-hand control devices used to safeguard the point of operation meet these requirements	WAC 296-806-45522
Make sure two-hand trip devices used to safeguard the point of operation meet these requirements	WAC 296-806-45524
Provide additional safeguards when the operator puts one or both hands into the point of operation	WAC 296-806-45526

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45504 Safeguard presses that use unitized tooling. (~~You must:~~**

•) You must safeguard the opening between the top of the punch holder and the face of the slide or striking pad by using properly installed, adjusted, and maintained guards or devices.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45506 Protect operators from guidepost hazards. (~~You must:~~**

•) You must use properly installed, adjusted, and maintained guards or devices to protect operators from the hazards created by:

((-)) (1) Guideposts separating from their bushings.

((-)) (2) Similar pinch points between the slide (moving die) and fixed die or press attachments.

~~((Exemption:))~~ **EXEMPTION:** This requirement does not apply if the opening is one-fourth inch or less, before use.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45508 Safeguard the point of operation. (~~You must:~~**

•) You must protect employees from point-of-operation hazards by using properly installed, adjusted, and maintained guards or devices.

~~((Exemption:))~~ **EXEMPTION:** This requirement does not apply if the point-of-operation opening is one-fourth inch or less, before use.

**Note:** ((•)) l. You may use a combination of guards and devices as long as employees are completely protected from point-of-operation hazards.

((\*) 2 Hand tools used for placing materials into the press, or removing them from the press, are not a substitute for point-of-operation guards or devices.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45510 Make sure point-of-operation guards are properly designed and constructed.** (~~You must~~ **must**)

(\*) You must make sure each guard:

((-) (1) Prevents the operator's hands or other body parts from reaching through, over, under, or around the guard into the point of operation.

((-) (2) Has no opening larger than the maximum permissible openings shown in Table 200-1, Largest Allowable Guard Openings, WAC 296-806-20042.

((-) (3) Does not create a pinch point between the guard and moving machine parts.

((-) (4) Uses fasteners that cannot be easily removed by the operator.

((-) (5) Is easy to inspect.

((-) (6) Provides the best view of the point of operation for the type of work.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45512 Make sure barrier guards meet these requirements.** (~~You must~~ **must**)

(\*) (1) You must make sure a fixed barrier guard is attached to a fixed surface such as the stripper, die shoe, press frame, or bolster plate.

((\*) (2) You must make sure the interlocked barrier guard:

((-) (a) Is attached to a fixed surface such as the press frame or bolster plate.

((-) (b) Prevents cycling (stroking) of the press when the interlocked section of the guard is not in the protecting position.

((-) (c) Cannot open until hazardous motion of the slide has stopped.

((\*) (3) You must not use the hinged or movable sections of an interlocked barrier guard for manual feeding.

((\*) (4) You must make sure an adjustable barrier guard is:

((-) (a) Attached to a fixed surface such as the press frame, bolster plate, or die shoe.

((-) (b) Adjusted only by authorized persons who can apply Table 200-1, Largest Allowable Guard Openings, WAC 296-806-20042.

**Reference:** See, Provide additional safeguards when the operator puts one or both hands into the point of operation, WAC 296-806-45526, for additional safeguards that are required if the operator puts one or both hands into the point of operation to feed or remove parts, and the point of operation is protected by a Type B gate or movable barrier device.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45514 Make sure point-of-operation devices are effective.** (~~You must~~ **must**)

(\*) (1) You must make sure point-of-operation devices protect the operator from hazards as shown in Table 455-1, Point-of-Operation Devices.

((\*) (2) You must make sure the motor start button is protected against accidental contact.

**Table 455-1**

**Point-of-Operation Devices**

Type of device	Type of operator protection that must be provided:
Presence-sensing device (part-revolution clutch press)	If the operator's hands or other body part are in the point of operation: ((*) <u>1</u> Prevents initiating a press cycle (stroke); <b>OR</b> ((*) <u>2</u> Stops the press during the closing portion of the cycle (stroke)
Presence-sensing device (full-revolution clutch press)	Do <b>NOT</b> use for point-of-operation safeguarding
Pull-back device	As the die closes: ((*) <u>1</u> Withdraws the operator's hands if they are located in the point of operation; <b>OR</b> ((*) <u>2</u> Prevents the operator from reaching into the point of operation
Restraint (holdout) device	Prevents the operator from reaching into the point of operation at all times
(( <del>Two-hand</del> ) <u>2-hand</u> control device (( <del>Two-hand</del> ) <u>2-hand</u> trip device	((*) Requires operators to use both hands to activate controls that are far enough away from the point of operation so the slide completes the closing portion of the cycle (stroke) or stops before they can reach into the point of operation
Type A gate or movable barrier device	Encloses the point of operation: ((*) <u>1</u> Before a press cycle (stroke) can be initiated; <b>AND</b> ((*) <u>2</u> Remains closed until slide motion has stopped

Type of device	Type of operator protection that must be provided:
Type B gate or movable barrier device	Encloses the point of operation: ((*) <u>1.</u> Before a press cycle (stroke) can be initiated; AND ((*) <u>2.</u> Remains closed until slide motion has stopped during the closing portion of the cycle (stroke)
Sweep device	Do NOT use for point-of-operation safeguarding

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45516 Make sure presence-sensing devices used to safeguard the point of operation meet these requirements. (~~You must:~~**

\*) (1) You must make sure the presence-sensing device is interlocked into the control circuit to prevent or stop slide motion if the operator's hand or other body part is within the sensing field of the device during the downstroke of the press slide.

((\*) (2) You must make sure muting of the device is done only during the upstroke of the press slide.

((\*) (3) You must make sure failure of any component of the device:

((-) (a) Does not prevent normal stopping action of the press.

((-) (b) Prevents initiation of another cycle (stroke) until corrected.

((-) (c) Is indicated by the system.

((\*) (4) You must use guards to protect all areas of entry to the point of operation not protected by the presence-sensing device.

((\*) (5) You must make sure the sensing field of the device is located farther from the point of operation than the minimum safety distance as determined by the following formula:

$$D = 63 \times T$$

Where:

**D = minimum safety distance (in inches)**

**T = stopping time of the press measured at approximately the 90 degree position of crankshaft rotation (in seconds)**

**Example:** The number in the formula represents the hand speed of the operator (sixty-three inches per second). If your press has a stopping time of one-half second (.5 second), the calculations would be:

$$D = 63 \times .5 = 31.5$$

The sensing field would need to be at least thirty-one and one-half inches from the point of operation.

**Reference:** See, Provide additional safeguards when the operator puts one or both hands into the point of operation, WAC 296-806-45526, while feeding or removing parts, for additional safeguards that are required if the operator puts one or both hands into the point of operation to feed or remove parts, and the point of operation is protected by a presence-sensing device.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45518 Make sure pull-back devices used to safeguard the point of operation meet these requirements. (~~You must:~~**

\*) (1) You must make sure presses requiring more than one operator have a separate pull-back device for each operator.

((\*) (2) You must make sure each pull-back device has attachments:

((-) (a) For each of the operator's hands.

((-) (b) That are connected to and operated only by the press slide or its attached die.

((-) (c) That are adjusted to either:

((\*) (i) Prevent the operator from reaching into the point of operation; (~~OR~~

\*) or

(ii) Withdraw the operator's hands from the point of operation before the dies close.

((\*) (3) You must check each pull-back device that is being used for proper adjustment at these times:

((-) (a) At the start of each operator shift.

((-) (b) After a new die set-up.

((-) (c) When operators are changed.

((\*) (4) You must complete necessary maintenance or repair work before operating the press.

**Reference:** For recordkeeping requirements for maintenance or repair work, see Inspect and maintain presses, WAC 296-806-45540.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45520 Make sure restraint (holdout) devices used to safeguard the point of operation meet these requirements. (~~You must:~~**

\*) (1) You must make sure presses requiring more than one operator have separate restraint devices for each operator.

((\*) (2) You must make sure each restraint device has attachments:

((-) (a) For each of the operator's hands.

((-) (b) That are securely anchored.

((-) (c) That are adjusted so the operator cannot reach into the point of operation.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45522 Make sure two-hand control devices used to safeguard the point of operation meet these requirements. (~~You must:~~**



•) (1) You must make sure presses that require more than one operator:

(-) (a) Have separate two-hand controls for each operator.

(-) (b) Need concurrent application of all operators' controls to activate the slide.

(•) (2) You must make sure the slide stops if any operator's hand is removed from a control button.

(•) (3) You must make sure two-hand controls are fixed in position and can be moved only by authorized persons.

(•) (4) You must make sure the controls are located farther from the point of operation than the minimum safety distance as determined by the following formula:

$$D = 63 \times T$$

**Where:**

**D = minimum safety distance (in inches)**

**T = stopping time of the press measured at approximately the 90 degree position of crankshaft rotation (in seconds)**

**Example:** The number in the formula represents the hand speed of the operator (63 inches per second). If your press has a stopping time of one-half second (.5 second), the calculations would be:

$$D = 63 \times .5 = 31.5$$

The controls would need to be at least 31 1/2 inches from the point of operation.

**Reference:** See, Provide additional safeguards when the operator puts one or both hands into the point of operation, WAC 296-806-45526, for additional required safeguards.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45524 Make sure two-hand trip devices used to safeguard the point of operation meet these requirements. (~~You must~~**

•) (1) You must make sure presses requiring more than one operator:

(-) (a) Have separate two-hand trips for each operator.

(-) (b) Need concurrent application of all operators' controls to activate the slide.

(•) (2) You must make sure the two-hand trips are fixed in position and can be moved only by authorized persons.

(•) (3) You must make sure the controls are located farther from the point of operation than the minimum safety distance as determined by the following formula:

$$D = 63 \times T$$

**Where:**

**D = minimum safety distance (in inches)**

**T = the maximum time the press takes for the die to close after the press has been tripped (in seconds)**

**Example:** The number in the formula represents the hand speed of the operator (63 inches per second). If your press has a die closing time of one-half second (.5 second), the calculations would be:

$$D = 63 \times .5 = 31.5$$

The trip devices would need to be at least 31 1/2 inches from the point of operation.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45526 Provide additional safeguards when the operator puts one or both hands into the point of operation.**

~~((IMPORTANT:))~~ **Important:**

This rule applies when the operator puts one or both hands into the point of operation to feed or remove parts, and the point of operation is protected by any of the following:

(•) 1. Presence-sensing device.

(•) 2. Two-hand control.

(•) 3. Type B gate or movable barrier device.

~~(You must~~

•) (1) You must make sure the press has both a:

(-) (a) Stopping-performance monitor (previously called brake-system monitor); ~~(AND~~

-) and

(b) Control system that monitors the performance of safety-related functions (previously called control reliability).

(•) (2) You must make sure the stopping-performance monitor meets the requirements of:

(-) (a) American National Standards Institute (ANSI) B11.1-1982, Mechanical Power Presses - Safety Requirements for Construction, Care, and Use for presses manufactured **before** January 1, 2005.

(-) (b) ANSI B11.1-2001, Safety Requirements for Mechanical Power Presses for presses manufactured **on or after** January 1, 2005.

(•) (3) You must make sure the control system monitors the performance of safety-related functions so that failure of any component in the control system:

(-) (a) Does not prevent normal stopping action of the press.

(-) (b) Prevents initiation of another cycle (stroke) until the failure is corrected.

(-) (c) Can be detected by a simple test or is indicated by the control system.

~~((Exemption:))~~ This requirement does not apply to control system components that do not affect protection from point-of-operation hazards.

~~((Definition:))~~

~~The control system includes the sensors, manual input and mode selection elements, interlocking and decision-making circuitry, and output elements of the press operating devices and mechanisms.)~~

~~((OPERATIONS))~~

NEW SECTION

**WAC 296-806-45527 Operations.**

<b>You must meet the requirements...</b>	<b>in this section:</b>
Establish a die setting procedure	WAC 296-806-45528
Handle dies safely	WAC 296-806-45530

You must meet the requirements...	in this section:
Protect die setters during setup and tryout	WAC 296-806-45532
Train press operators	WAC 296-806-45534
Operate mechanical power presses safely	WAC 296-806-45536
Provide tools and other means to protect press operators	WAC 296-806-45538
Inspect and maintain presses	WAC 296-806-45540
Make sure presses and operating practices used in the PSDI (presence sensing device initiation) mode of operation meet these requirements	WAC 296-806-45542

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45528 Establish die setting procedures.** (~~You must:~~

\*) (1) You must develop and use procedures to protect employees from the hazards of die setting.

((\*) (2) You must make sure die setters are provided with at least the following information:

((-) (a) Rated press capacity requirements for the die.

((-) (b) Weight of the upper die and other slide attachments required for job setup and setting counterbalance air pressure.

((-) (c) Total die weight.

**Note:** This information may be stamped on the die or kept in a file that is readily available to the die setters.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45530 Handle dies safely.** (~~You must:~~

\*) (1) You must make sure dies requiring mechanical handling have handling equipment attachment points.

((\*) (2) You must use die stops or other means to prevent losing control of the die while setting or removing dies from presses that are inclined.

((\*) (3) You must make sure the upper and lower shoes will securely mount the die to the bolster and slide.

((\*) (4) You must use additional means of securing the upper shoe to the slide where clamp caps or set screws are used in conjunction with punch stems.

((\*) (5) You must make sure spring-loaded turnover bars are provided for presses designed to accept them.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45532 Protect die setters during setup and tryout.** (~~You must:~~

(1) You must use safety blocks when an employee has to put their hands or other body part into the point of operation to adjust or repair dies.

(2) You must protect die setters doing die tryout from point-of-operation hazards by at least one of the following:

((\*) (a) Properly installed, adjusted, and maintained guards or devices.

((\*) (b) Proper use of INCH mode (part-revolution clutch press).

((\*) (c) Proper use of JOG mode (full-revolution clutch press).

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45534 Train press operators.** (~~You must:~~)

(1) You must train operators to safely operate the press.

(2) You must make sure modified or reconstructed presses have instructions to establish new or changed guidelines for use and care of the press.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45536 Operate mechanical power presses safely.** (~~You must:~~

\*) You must operate the press within the manufacturer's rated capacities.

**Note:** Rated capacities include, but are not limited to:

((-) 1. Structural capacity.

((-) 2. Torque capacity.

((-) 3. Energy capacity.

((-) 4. Thermal capacity.

((-) 5. Attachment weight.

((-) 6. Die shutheight.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45538 Provide tools and other means to protect press operators.** (~~You must:~~

\*) (1) You must make sure hand tools are provided and used to free and remove workpieces or scrap stuck in the die.

((\*) (2) You must provide means for handling scrap from roll feed or random length stock operations.

((\*) (3) You must provide and use means to keep operators and die setters from reaching into the point of operation or other hazard area to lubricate material or die components.

**Note:** ((\*) 1. Means for lubricating include, but are not limited to:

((-) a. Brushes.

((-) b. Swabs.

((-) c. Lubricating rolls.

((-) d. Manual spray systems.

((-) e. Automatic spray systems.

((\*) 2. Handles on brushes or swabs should be long enough to keep persons using them clear of the point of operation.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45540 Inspect and maintain presses.**  
~~((You must:))~~

- (1) You must make sure maintenance personnel are trained and competent to inspect and maintain power presses.
- (2) You must keep records of all maintenance or repair work.
- (3) You must inspect and test the following press systems **at least weekly**:
  - ~~((★))~~ (a) Clutch/brake mechanism.
  - ~~((★))~~ (b) Antirepeat feature.
  - ~~((★))~~ (c) Single stroke mechanism.
  - ~~((★))~~ (d) Keep records of inspections and tests.

~~((Exemption:))~~ You do not have to do weekly inspections if your press has both:

- ~~((-))~~ 1. Performance of safety-related functions monitoring (previously called control reliability); ~~((AND))~~ and
- ~~((-))~~ 2. A stopping-performance monitor (previously called brake-system monitor) does not require weekly inspections.

**Reference:** For requirements for these monitoring devices, see Provide additional safeguards when the operator puts one or both hands into the point of operation, WAC 296-806-45526.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-45542 Make sure presses and operating practices used in the PSDI (presence sensing device initiation) mode of operation meet these requirements.**  
~~((You must:))~~

★) You must make sure presses and operating practices used in the PSDI mode meet the requirements of 29 C.F.R. 1910.217(h), Presence Sensing Device Initiation (PSDI).

**Note:** 29 C.F.R. 1910.217(h) contains requirements for certification and validation of mechanical power presses used in the PSDI mode of operation.

~~((MILLS))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-460 ((Summary:)) Mills.**

**Summary**

In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

(★) Requirements for all machines, WAC 296-806-200 and 296-806-300.

This section applies only to mills in the rubber and plastics industry that have in-running metal rolls that are set horizontally and run toward each other.

**Your responsibility:**

To protect employees from hazards associated with mills.

~~((You must:))~~

Meet height requirements for mill rolls

~~WAC 296-806-46002.~~

Provide mill safety controls

~~WAC 296-806-46004.~~

Follow these stopping limit requirements for mills

~~WAC 296-806-46006.))~~

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Meet height requirements for mill rolls</u>	<u>WAC 296-806-46002</u>
<u>Provide mill safety controls</u>	<u>WAC 296-806-46004</u>
<u>Follow these stopping limit requirements for mills</u>	<u>WAC 296-806-46006</u>

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-46002 Meet height requirements for mill rolls.** ~~((You must:))~~

★) You must make sure that the tops of mill rolls installed after August 27, 1971, are at least fifty inches above the working level where the operator stands. ((-)) This distance applies to the actual working level, which could be:

- ~~((■))~~ (1) The general floor level.
- ~~((■))~~ (2) In a pit.
- ~~((■))~~ (3) On a platform.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-46004 Provide mill safety controls.**

~~((Exemption:))~~ These rules do not apply to mills if the machinery is permanently set up so employees:

- ~~((★))~~ 1. Cannot reach through, over, under, or around to come in contact with the roll bite; ~~((OR))~~ or
- ~~((★))~~ 2. Cannot be caught between a roll and nearby objects.

~~((You must:))~~

(1) You must provide a safety trip control that is easy to reach, operates readily on contact, and is located in front and back of each mill. Each safety trip control must include at least one of the following:

(★) (a) Pressure-sensitive body bars that:

((-) (i) Are installed at the front and back of mills having a forty-six inch roll height or over.

((-) (ii) Operate readily on contact from the pressure of the mill operator's body.

(★) (b) Safety trip rods that are:

((-) (i) Installed in the front and back of each mill and located within two inches of the front and rear rolls.

((-) (ii) Installed so the top rods are no more than seventy-two inches above the level where the operator stands.

((-) (iii) Easy to reach and operate when the rods are pushed or pulled.

(★) (c) Safety tripwire cables or wire center cords that are:

((-) (i) Installed in the front and back of each mill.

((-) (ii) Located within two inches of the face of the rolls.

((-)) (iii) Installed so that cables are no more than sev-ent-y-two inches above the level where the operator stands.

((-)) (iv) Easy to operate whether pushed or pulled.

(2) You must make sure that all auxiliary equipment such as mill dividers, support bars, spray pipes, feed convey-ors, and strip knives do not interfere with safety devices.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-46006 Follow these stopping limit requirements for mills. ((You must:

•)) You must make sure that mills are stopped within one and one-half percent of the fastest speed at which they oper-ate when empty. ((-)) When mills operate at more than two hundred fifty feet per minute, stopping distances above one and one-half percent of their fastest speed are allowed, but must have engineering support.

((PRESS BRAKES))

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-465 ((Summary:)) Press brakes.

Summary

If your specific machine or operation is not listed here, then follow any general requirements in this section along with the "Requirements for all machines" in this chapter, WAC 296-806-200 and 296-806-300.

This section applies to all machines classified as power press brakes. Power press brakes use a ram and bed to bend material.

Your responsibility:

To protect employees from hazards associated with power press brakes.

((You must:))

General requirements for press brakes

((Provide auxiliary safety aids

WAC 296-806-46502.

Safeguard the point of operation on press brakes

WAC 296-806-46504.

Safe distance safeguarding

Follow this requirement when using safe distance safe-guarding

WAC 296-806-46506.

Develop a safe distance safeguarding program

WAC 296-806-46508.

Follow these requirements for safe distance training

WAC 296-806-46510.

Require safe distance retraining

WAC 296-806-46512.

Conduct periodic safe distance inspections

WAC 296-806-46514.

Supervise the safe distance program

WAC 296-806-46516.))

<u>You must meet the require-ments...</u>	<u>in this section:</u>
<u>Provide auxiliary safety aids on press brakes</u>	<u>WAC 296-806-46502</u>
<u>Safeguard the point of opera-tion on press brakes</u>	<u>WAC 296-806-46504</u>

((GENERAL REQUIREMENTS FOR PRESS BRAKES))

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-46502 Provide auxiliary safety aids on press brakes.

((IMPORTANT:)) Important:

This rule applies if the safeguarding method prevents the operator from holding the work piece during the closing of the stroke.

((You must:

•)) You must provide one of the following auxiliary safety aids that will allow operators to remove their hands from the work during the closing of the stroke:

((-)) (1) Work supporting devices.

((-)) (2) Magnetic material-position gages.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-46504 Safeguard the point of operation on press brakes. ((You must:

•)) You must safeguard the point of operation on press brakes by at least one of the following:

((-)) (1) Physical guards.

((-)) (2) Devices.

((-)) (3) One-quarter inch maximum die opening.

((-)) (4) Safe distance safeguarding if all of the following apply:

((■)) (a) Physical barriers and devices such as two-hand controls, holdouts, restraints, and presence sensors, are demonstrated to not be feasible.

((■)) (b) This safeguarding method is only for one-time fabrication, custom made parts, or small quantity runs of no more than four hours per month.

((■)) (c) A safety program is provided that includes safe work procedures, training, and supervision to make sure work is performed using safe distance measures.

((■)) (d) There is no workplace record of injuries from failing to maintain a safe distance.

((SAFE DISTANCE SAFEGUARDING))

NEW SECTION

WAC 296-806-46505 Safe distance safeguarding.

<b>You must meet the requirements...</b>	<b>in this section:</b>
Follow this requirement when using safe distance safeguarding	WAC 296-806-46506
Develop a safe distance safeguarding program for press brakes	WAC 296-806-46508
Follow these requirements for safe distance training for press brakes	WAC 296-806-46510
Require safe distance retraining for press brake operations	WAC 296-806-46512
Conduct periodic safe distance inspections on press brakes	WAC 296-806-46514
Supervise the safe distance program for press brakes	WAC 296-806-46516

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-46506 Follow this requirement when using safe distance safeguarding. (~~You must:~~**

**\*) You must** make sure employees position themselves no closer than necessary and never closer than four inches from the power press brake point of operation.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-46508 Develop a safe distance safeguarding program for press brakes. (~~You must:~~**

**\*) You must** develop, document, and use an effective safe distance safeguarding program. ~~(-)~~ Include methods for maintaining the minimum safe distance requirements in, Follow this requirement when using safe distance safeguarding, WAC 296-806-46506.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-46510 Follow these requirements for safe distance training for press brakes. (~~You must:~~**

(1) **You must** train your employees in the safe distance safeguarding program and include **all** of the following:

**(\*) (a)** The need for safety awareness between the power press brake operator and, when required, the helper.

**(\*) (b)** The purpose and function of operating controls, operating mode controls, die space height adjustment positions, and other brake controls.

**(\*) (c)** The hazards of placing any parts of the body into the point of operation.

**(\*) (d)** The hazards related to each specific work piece bending operation.

**(\*) (e)** The purpose and function of hand-feeding tools.

**(\*) (f)** The dangers of unsafe work practices, inattention, horseplay, and misuse of equipment.

**(\*) (g)** The importance of reporting unsafe conditions immediately to the supervisor.

(2) **You must** make sure employees are proficient in safe distance safeguarding after training, and follow both:

**(\*) (a)** Safe-operating instructions and recommendations of power press brake manufacturers; ~~(AND~~  
**\*) and**

**(b)** Industry-recognized safe working practices for power press brakes.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-46512 Require safe distance retraining for press brake operations. (~~You must:~~**

(1) **You must** require safe distance retraining when employees either:

**(\*) (a)** Are seen operating the power press brake in an unsafe manner; ~~(OR~~  
**\*) or**

**(b)** Fail to use safe distance procedures.

(2) **You must** require safe distance retraining when conditions in the workplace change that can affect safe operation of the power press brakes, such as introducing new or revised control methods and procedures.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-46514 Conduct periodic safe distance inspections on press brakes. (~~You must:~~**

(1) **You must** conduct periodic inspections of safe distance procedures at least annually to make sure that established procedures are being followed.

(2) **You must** make sure inspections are performed by a trained person who is **not** the person using the safe distance procedure.

(3) You must identify **all** of the following during safe distance procedure inspections:

**(\*) (a)** The date of the inspection.

**(\*) (b)** The person performing the inspection.

**(\*) (c)** The power press brake for which you are using the procedures.

**(\*) (d)** Any deviations or inadequacies with procedures and requirements.

**(\*) (e)** Joint reviews with each trained employee about their responsibilities under the safe distance program.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-46516 Supervise the safe distance program for press brakes. (~~You must:~~**

**\*) You must** provide adequate supervision to make sure that:

~~(-)~~ (1) Only trained employees operate power press brakes.

~~(-)~~ (2) Employees use work practices learned in your training program.

(-) (3) Periodic safe distance inspections are conducted as outlined in, Conduct periodic safe distance inspections on press brakes, WAC 296-806-46514.

(-) (4) Any deviations from, or inadequacies in, program procedures or work practices are promptly corrected.

(-) (5) Designated safeguarding means are used, installed, and functioning properly.

(-) (6) Recommended hand-feeding tools are used, when needed.

(-) (7) To require retraining and other appropriate corrective action when necessary.

~~((ROLL FORMING AND BENDING MACHINES))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-470 ((Summary:)) Roll-forming and bending machines.**

**Summary**

(1) In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards: ((\*) Requirements for all machines, WAC 296-806-200 and 296-806-300.

(2) This section applies to power driven roll-forming and bending machines that change the shape or the direction of materials by using rolls, rotary forming dies, and associated tooling.

**Your responsibility:**

To protect employees from hazards associated with roll-forming and bending machines.

~~((You must:~~

~~Follow these requirements for machine initiation~~

~~WAC 296-806-47002.~~

~~Safeguard nip points on roll-forming and bending machines~~

~~WAC 296-806-47004.))~~

<b><u>You must meet the requirements...</u></b>	<b><u>in this section:</u></b>
<u>Follow these requirements for machine initiation</u>	<u>WAC 296-806-47002</u>
<u>Safeguard nip points on roll-forming and bending machines</u>	<u>WAC 296-806-47004</u>

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-47002 Follow these requirements for machine initiation. ((You must:**

**\*) (1) You must make sure all of the following occur before starting machines:**

(-) (a) Select "normal" operation mode.

(-) (b) Safeguards are in place and functioning.

(-) (c) No workers are within the hazard zones.

(-) (d) Other proper work practices are followed.

**\*) (2) You must make sure in the "jog mode," the machine function is initiated by the operator either:**

(-) (a) During set-up; ~~((OR~~  
~~-)) or~~

(b) By threading the material through the forming rolls.

**\*) (3) Make sure only assigned test employees perform machine testing and start-up.**

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-47004 Safeguard nip points of roll-forming and bending machines. ((You must:**

**\*) (1) You must safeguard in-running nip points on roll-forming and bending machines with at least one of the following:**

(-) (a) A point-of-operation guard or device.

(-) (b) An emergency stop device.

**\*) (2) You must an emergency stop device must be used when a point-of-operation guard or device is not feasible.**

~~((SANDING MACHINES))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-475 ((Summary:)) Sanding machines.**

**Summary**

(1) In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

(\*) Requirements for all machines, WAC 296-806-200 and 296-806-300.

(2) This section applies to sanding machines that remove material from stock with an abrasive sanding surface such as a belt, disk, or drum.

~~((Exemption:))~~

**EXEMPTION:**

This section does not apply to hand-held sanders. See, Portable power tools, chapter 296-807 WAC, for requirements that apply to hand-held tools.

**Reference:**

(\*) If you have multiple specific machines and operations in your workplace, you need to follow all requirements in WAC 296-806-400 that apply.

(-) For example, if you use sanding machines and saws and cutting heads, you need to refer to both of these sections.

(\*) In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

(-) 1. WAC 296-806-200, Requirements for all machines.

(-) 2. WAC 296-806-300, Requirements for machine parts.

(\*) See chapter 296-807 WAC, Portable power tools, for requirements that apply to hand-held sanders.

**Your responsibility:**

To protect employees from hazards associated with drum, disk, and belt sanders.

~~((You must:~~

~~Guard drum sanders~~

~~WAC 296-806-47502.~~

~~Guard disk sanders~~

~~WAC 296-806-47504.~~  
~~Guard belt sanders~~  
~~WAC 296-806-47506.~~  
~~Follow these requirements for feed roll guarding~~  
~~WAC 296-806-47508.))~~

<u><b>You must meet the requirements...</b></u>	<u><b>in this section:</b></u>
<u>Guard drum sanders</u>	<u>WAC 296-806-47502</u>
<u>Guard disk sanders</u>	<u>WAC 296-806-47504</u>
<u>Guard belt sanders</u>	<u>WAC 296-806-47506</u>
<u>Follow these requirements for feed roll guarding</u>	<u>WAC 296-806-47508</u>

AMENDATORY SECTION (Amending WSR 07-05-062, filed 2/20/07, effective 4/1/07)

**WAC 296-806-47502 Guard drum sanders. (~~You must:~~**

•) You must make sure drum sanders have one of the following to enclose that part of the drum not used to work on the material:

- (-) (1) Guard.
- (-) (2) Exhaust hood.

**Reference:** Exhaust hoods are required on sanders when dust levels exceed exposure limits. See chapter 296-841 WAC, Airborne contaminants.

~~((Exemption:))~~ **EXEMPTION:** When a table is used for the application of material to be finished, you do not need to enclose the portion of the drum above the table that is necessary to do the work.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-47504 Guard disk sanders. (~~You must:~~**

•) You must make sure disk sanders have an exhaust hood, when required, or a guard that encloses the part of the disk not used to work on the material.

~~((Exemption:))~~ **EXEMPTION:** When a table is used for the application of material to be finished, you do not need to enclose the portion of the disk above the table that is necessary to do the work.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-47506 Guard belt sanders. (~~You must:~~**

•) You must protect the operator by guarding:  
 (-) (1) Nip points where the sanding belt runs on the pulleys.  
 (-) (2) The unused run of the sanding belt.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-47508 Follow these requirements for feed roll guarding. (~~You must:~~**

•) (1) You must make sure that feed rolls have a hood or guard to prevent the operator's hands from coming in contact with the in-running rolls at any point.

(•) (2) You must make sure that the guard meets ALL of the following:

(-) (a) Is constructed of heavy material, preferably metal.

(-) (b) The bottom of the guard comes down to within three-eighths inch of the plane formed by the bottom or working surfaces of the feed rolls. (•) When the three-eighths inch distance is increased to three-quarter inch, the lead edge of the hood must be extended to five and one-half inches or more in front of the nip point between the front roll and the work.

~~((SAWS AND CUTTING HEADS))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-480 ((~~Summary:~~) Saws and cutting heads.**

Summary

If your specific machine or operation is not listed here, then be sure to follow any of the following requirements that apply:

(•) (1) General requirements for all saws and cutting heads in this section.

(•) (2) General requirements for all saws in this section.

(•) (3) General requirements for all cutting heads in this section.

(•) (4) "Requirements for all machines" found in this chapter, WAC 296-806-200 and 296-806-300.

**Reference:** For requirements on hand-held tools, see Portable power tools, chapter 296-807 WAC.

This section applies to fixed machines using saws or cutting heads that are used on any material.

**Your responsibility:**

To make sure machines using saws and cutting heads meet these requirements.

~~((You must:~~

~~GENERAL REQUIREMENTS FOR ALL SAWS AND CUTTING HEADS~~

~~Protect employees using saws and cutting heads~~

~~WAC 296-806-48002.~~

~~Make sure saws and cutting heads are sharpened and tensioned by qualified people~~

~~WAC 296-806-48004.~~

~~SAWS~~

~~General Requirements for All Saws~~

~~Make sure saws are safe to use~~

~~WAC 296-806-48006.~~

~~Requirements for All Circular Saws~~

~~Make sure all circular saws meet these requirements~~

~~WAC 296-806-48008.~~

~~Make sure circular saw gages meet these requirements~~

~~WAC 296-806-48010.~~

~~Guard hand-fed circular table saws~~

~~WAC 296-806-48012.~~

Provide kickback protection for employees using hand-fed circular table rip-saws when ripping wood

~~WAC 296-806-48014.~~

Safeguard self-feed circular saws

~~WAC 296-806-48016.~~

Provide kickback protection for self-feed circular rip-saws when ripping wood

~~WAC 296-806-48018.~~

Guard circular resaws

~~WAC 296-806-48020.~~

Provide spreaders for circular resaws

~~WAC 296-806-48022.~~

**Requirements for Specific Circular Saws**

Protect employees from automatic saw hazards

~~WAC 296-806-48024.~~

Guard inverted swing (jump) saws

~~WAC 296-806-48026.~~

Guard miter saws

~~WAC 296-806-48028.~~

Guard radial saws

~~WAC 296-806-48030.~~

Limit the travel of radial saws

~~WAC 296-806-48032.~~

Provide kickback protection for radial saws used for ripping wood

~~WAC 296-806-48034.~~

Guard revolving double arbor saws

~~WAC 296-806-48036.~~

Guard swing saws

~~WAC 296-806-48038.~~

Limit the travel of swing saws

~~WAC 296-806-48040.~~

**Requirements for Band Saws and Drag Saws**

Make sure bandsaws meet these requirements

~~WAC 296-806-48042.~~

Protect employees from drag saw hazards

~~WAC 296-806-48044.~~

**CUTTING HEADS**

**General Requirements for All Cutting Heads**

Maintain and balance knives and cutting heads

~~WAC 296-806-48046.~~

**BORING AND MORTISING MACHINES**

Make sure boring and mortising machines meet these requirements

~~WAC 296-806-48048.~~

**CHIPPER AND HOG MILLS**

Follow these requirements for chipper mills

~~WAC 296-806-48050.~~

Follow these requirements for hog mills

~~WAC 296-806-48052.~~

Protect employees from falling into chipper and hog mills

~~WAC 296-806-48054.~~

**JOINTERS**

Make sure jointers with horizontal cutting heads meet these requirements

~~WAC 296-806-48056.~~

Guard horizontal cutting heads on hand-fed jointers

~~WAC 296-806-48058.~~

Guard vertical cutting heads on jointers

~~WAC 296-806-48060.~~

**MOLDING, STICKING AND MATCHING MACHINES**

Make sure molding, sticking and matching machines meet these requirements

~~WAC 296-806-48062.~~

**PANEL RAISERS AND OTHER SIMILAR MACHINES**

Guard hand-fed panel raisers and other similar machines

~~WAC 296-806-48064.~~

**PLANERS**

Make sure planers with a horizontal cutting head meet these requirements

~~WAC 296-806-48066.~~

Guard planers

~~WAC 296-806-48068.~~

Guard planer feed rolls

~~WAC 296-806-48070.~~

Provide kickback protection on planers running stock of varied thicknesses

~~WAC 296-806-48072.~~

**SHAPERS**

Make sure shapers meet these requirements

~~WAC 296-806-48074.~~

**TENONING MACHINES**

Guard tenoning machines feed chains and sprockets

~~WAC 296-806-48076.~~

Guard tenoning machines

~~WAC 296-806-48078.~~

**VENEER MACHINERY**

Guard veneer cutters and wringer knives

~~WAC 296-806-48080.~~

Guard veneer clippers

~~WAC 296-806-48082.~~

Follow these requirements for guarding guillotine cutters

~~WAC 296-806-48084.~~

Provide mechanisms to stop power-driven guillotine cutters

~~WAC 296-806-48086.~~

Prohibit riders on veneer slicer carriages

~~WAC 296-806-48088.))~~

<u>Requirements for this topic...</u>	<u>begin with this section:</u>
GENERAL REQUIREMENTS FOR ALL SAWS AND CUTTING HEADS	<u>WAC 296-806-48002</u>
SAWS	
General Requirements for All Saws	<u>WAC 296-806-48006</u>
Requirements for All Circular Saws	<u>WAC 296-806-48008</u>
Requirements for Specific Circular Saws	<u>WAC 296-806-48024</u>
Requirements for Band Saws and Drag Saws	<u>WAC 296-806-48042</u>
CUTTING HEADS	



<u>Requirements for this topic...</u>	<u>begin with this section:</u>
<u>General Requirements for All Cutting Heads</u>	<u>WAC 296-806-48046</u>
<u>BORING AND MORTISING MACHINES</u>	<u>WAC 296-806-48048</u>
<u>CHIPPER AND HOG MILLS</u>	<u>WAC 296-806-48050</u>
<u>JOINTERS</u>	<u>WAC 296-806-48056</u>
<u>MOLDING, STICKING AND MATCHING MACHINES</u>	<u>WAC 296-806-48062</u>
<u>PANEL RAISERS AND OTHER SIMILAR MACHINES</u>	<u>WAC 296-806-48064</u>
<u>PLANERS</u>	<u>WAC 296-806-48066</u>
<u>SHAPERS</u>	<u>WAC 296-806-48074</u>
<u>TENONING MACHINES</u>	<u>WAC 296-806-48076</u>
<u>VENEER MACHINERY</u>	<u>WAC 296-806-48080</u>
<u>SEWING MACHINES</u>	<u>WAC 296-806-48502</u>

~~((GENERAL REQUIREMENTS FOR ALL SAWS AND CUTTING HEADS))~~

NEW SECTION

**WAC 296-806-48001 General requirements for all saws and cutting heads.**

<u>You must meet the requirements...</u>	<u>in this section:</u>
Protect employees using saws and cutting heads	WAC 296-806-48002
Make sure saws and cutting heads are sharpened and tensioned by qualified people	WAC 296-806-48005

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48002 Protect employees using saws and cutting heads. ((You must:**

•)) (1) You must provide safeguarding to protect employees from the hazards of feed rolls.

((•)) (2) You must provide types and sizes of push sticks or push blocks that are suitable for the work being done.

((•)) (3) You must use a comb (featherboard) or a suitable jig to protect employees when a standard guard cannot be used.

**Note:** Operations where you may need a comb or jig include:

- ((•)) 1. Dadoing.
- ((•)) 2. Grooving.
- ((•)) 3. Jointing.
- ((•)) 4. Moulding.
- ((•)) 5. Rabbeting.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48004 Make sure saws and cutting heads are sharpened and tensioned by qualified people. ((You must:**

•)) You must make sure people who sharpen or tension saw blades or cutters have demonstrated skill in this area.

~~((SAWS~~

~~General Requirements for All Saws))~~

NEW SECTION

**WAC 296-806-48005 General requirements for all saws.**

<u>You must meet the requirements...</u>	<u>in this section:</u>
Make sure saws are safe to use	WAC 296-806-48006

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48006 Make sure saws are safe to use. ((You must:**

•)) (1) You must immediately remove from service a saw that has **any of the following** problems:

- ((-)) (a) Cracked.
- ((-)) (b) Dull.
- ((-)) (c) Badly set.
- ((-)) (d) Improperly filed.
- ((-)) (e) Improperly tensioned.
- ((•)) (2) You must immediately clean any saw where gum has begun to stick on the sides.

((•)) (3) You must eliminate unintended fence and table movement during operation.

((•)) (4) You must keep hinged tables and fences firmly secured and in true alignment for all positions.

~~((Requirements for All Circular Saws))~~

NEW SECTION

**WAC 296-806-48007 Requirements for all circular saws.**

You must meet the requirements...	in this section:
Make sure all circular saws meet these requirements	WAC 296-806-48008
Make sure circular saw gages meet these requirements	WAC 296-806-48010
Guard hand-fed circular table saws	WAC 296-806-48012
Provide kickback protection for employees using hand-fed circular table rip saws when ripping wood products	WAC 296-806-48014
Safeguard self-feed circular saws	WAC 296-806-48016
Provide kickback protection for self-feed circular rip saws when ripping wood products	WAC 296-806-48018
Guard circular resaws	WAC 296-806-48020
Provide spreaders for circular resaws	WAC 296-806-48022

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48008 Make sure all circular saws meet these requirements.** ~~((You must:))~~

\*) (1) You must protect employees from contacting the portion of the saw beneath or behind the table by covering it with either:

- ((-)) (a) An exhaust hood, if one is required; ~~((OR))~~
- )) or
- (b) A guard.

((\*) (2) You must prohibit workers from inserting wedges between the saw disk and the collar to form a wobble saw.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48010 Make sure circular saw gages meet these requirements.** ~~((You must:))~~

\*) You must make sure circular saw gages slide in grooves or tracks that are accurately machined to maintain exact alignment with the saw for all positions of the guide.

**Note:** Circular saw gages are also referred to as miter or positioning gages.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48012 Safeguard hand-fed circular table saws.** ~~((You must:))~~

\*) (1) You must guard each hand-fed circular saw with a hood that completely encloses both the portion of the saw that is above both:

- ((-)) (a) The table; ~~((AND))~~

- )) and
- (b) The material being cut.
- ((\*) (2) You must make sure the hood is designed and constructed to do all of the following:
  - ((-)) (a) Protect the operator from flying splinters and broken saw teeth.
  - ((-)) (b) Strong enough to resist damage from reasonable operation, adjustments, and handling.
  - ((-)) (c) Made of material soft enough to not break saw teeth.

**Note:** Hoods should be made of material that:

- ((\*) 1. Does not shatter when broken.
- ((\*) 2. Is not explosive.
- ((\*) 3. Is less combustible than wood.

~~((You must:))~~ \*) (3) You must mount the hood so it does all of the following:

- ((-)) (a) Operates positively and reliably.
- ((-)) (b) Maintains true alignment with the saw.
- ((-)) (c) Resists any side thrust or force that could throw it out of line.

((\*) (4) You must make sure the hood:

- ((-)) (a) Allows the material to be inserted or sawed without any considerable resistance; ~~((AND))~~

- )) and
- (b) Does one of the following:
  - ((\*) (i) Automatically remains in contact with the material being cut; ~~((OR))~~
  - \*) or
  - (ii) Is manually adjusted to within one-quarter inch of the material being cut.

~~((Exemption:))~~ **EXEMPTION:** Saws may be guarded with a fixed enclosure, fixed barrier guard, or a manually adjusted guard when specific conditions prevent using a standard automatic adjusting guard. Alternative guards have to both:

- ((\*) 1. Provide protection equivalent to a standard automatic adjusting guard; ~~((AND))~~ and
- ((\*) 2. Be used according to the manufacturer's instructions with sufficient supervision to comply with this requirement.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48014 Provide kickback protection for employees using hand-fed circular table rip saws when ripping wood products.** ~~((Definition:))~~

~~Ripping is a sawing operation made:~~

- Through the thickness of the work piece with the grain of natural wood;
- Along the long dimension of a rectangular work piece;
- ~~AND~~
- Usually parallel to that edge on reconstituted wood products.

This can also be described as cutting stock to width. Two or more pieces result from the operation.

~~You must:~~ \*) (1) You must provide a spreader or riving knife that is:

- ((-)) (a) Made of hard-tempered steel or its equivalent.

((-) (b) Thinner than the saw kerf.

((-) (c) Wide enough to provide sufficient stiffness and rigidity to resist any reasonable side thrust or blow that could bend or throw it out of position.

((-) (d) Attached so it remains in true alignment with the saw when the saw or table is tilted.

**Note:** ((\*) The spreader or riving knife should:  
 ((-) 1. Prevent material from either squeezing the saw or being thrown back at the operator.  
 ((-) 2. Be placed so there is one-half inch or less space between it and the back of the saw when the largest saw is mounted in the machine.

**((Exemption:))** You do not have to provide a spreader or riving knife  
**EXEMPTION:** when grooving, dadoing, or rabbeting. When you finish these operations, replace the spreader immediately.

**((You must:**

\*) (2) You must provide nonkickback fingers or dogs that are:

((-) (a) Located so they prevent the saw from either picking up the material or throwing the material back towards the operator.

((-) (b) Designed to hold any thickness of material being cut.

**Note:** Kickbacks occur when a saw seizes the stock and hurls it back at the operator. This can happen when the stock twists and binds against the side of the blades or is caught in the teeth. Kickbacks occur more often when cutting parallel to the wood grain (ripping) than when cross cutting. Common contributors to kickbacks include:  
 ((\*) 1. A blade that is not sharpened.  
 ((\*) 2. A blade set at an incorrect height.  
 ((\*) 3. Poor quality lumber, such as frozen lumber, lumber with many knots, or foreign objects, such as nails.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48016 Safeguard self-feed circular saws. ((You must:**

\*) (1) You must provide saws and feed rolls with a hood or guard to protect the operator from contacting the in-running rolls.

((\*) (2) You must make sure the guard is constructed of heavy material, preferably metal.

((\*) (3) You must make sure the distance between the bottom of the guard and the plane formed by the bottom or working surface of the feed rolls meets the requirements of Table 200-1, Largest Allowable Guard Opening, in WAC 296-806-20042.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48018 Provide kickback protection for self-feed circular ripsaws when ripping wood products. ((You must:**

\*) You must provide saws with sectional nonkickback fingers that meet all of the following requirements:

((-) (1) They cover the full width of the feed roll.

((-) (2) They are located in front of the saw.

((-) (3) They are arranged so they keep continuous contact with the material being fed.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48020 Guard circular resaws. ((You must:**

\*) You must provide each circular resaw with a metal hood or shield that is:

((-) (1) Located above the saw.

((-) (2) Designed to protect the operator from flying splinters or broken saw teeth.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48022 Provide spreaders for circular resaws.**

**((Exemption:))** This requirement does not apply to self-feed saws with a roller or wheel at the back of the saw.  
**EXEMPTION:**

**((You must:**

\*) You must provide a spreader that is all of the following:

((-) (1) Securely fastened behind the saw.

((-) (2) Slightly thinner than the saw kerf.

((-) (3) Slightly thicker than the saw disk.

**((Requirements for Specific Circular Saws))**

**NEW SECTION**

**WAC 296-806-48023 Requirements for specific circular saws.**

You must meet the requirements...	in this section:
Protect employees from automatic saw hazards	WAC 296-806-48024
Guard inverted swing (jump) saws	WAC 296-806-48026
Guard miter saws	WAC 296-806-48028
Guard radial saws	WAC 296-806-48030
Limit the travel of radial saws	WAC 296-806-48032
Provide kickback protection for radial saws used for ripping wood products	WAC 296-806-48034
Guard revolving double arbor saws	WAC 296-806-48036
Guard swing saws	WAC 296-806-48038
Limit the travel of swing saws	WAC 296-806-48040

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48024 Protect employees from automatic saw hazards. ((You must:**

\*) You must make sure automatic saws that stroke continuously without the operator controlling each stroke are **not** used where employees could be exposed to ~~((--))~~ saw hazards during operations such as loading, clamping, cutting, or unloading.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48026 Guard inverted swing (jump) saws. (~~(You must:)~~)**

- (1) You must guard jump saws with a hood that both:
  - (\*) (a) Covers the part of the saw that is exposed above the top of the table or above the material being cut; (~~AND~~ \*) and
  - (b) Automatically adjusts to the thickness of the material being cut and remains in contact with it.
- (2) You must provide a holding device that will prevent stock from moving while cutting materials.
- (3) You must provide warning signs, stickers, or placards when the pinching hazard created by the holding device cannot be eliminated by design.
- (4) You must provide the following for automatically fed jump saws.
  - (\*) (a) Place guards over the roller conveyor to prevent persons from walking into or over the saw.
  - (\*) (b) Enclose jump saws when below the table or roller conveyor and not in actual use.
  - (\*) (c) Install a positive stop to prevent the saw from passing the front edge of the roller conveyor or table.

((\*) (d) Make sure the throat in the table or roller conveyor is only wide enough to permit unobstructed operation of the saw.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48028 Guard miter saws.**

~~((IMPORTANT:))~~ **Important:**

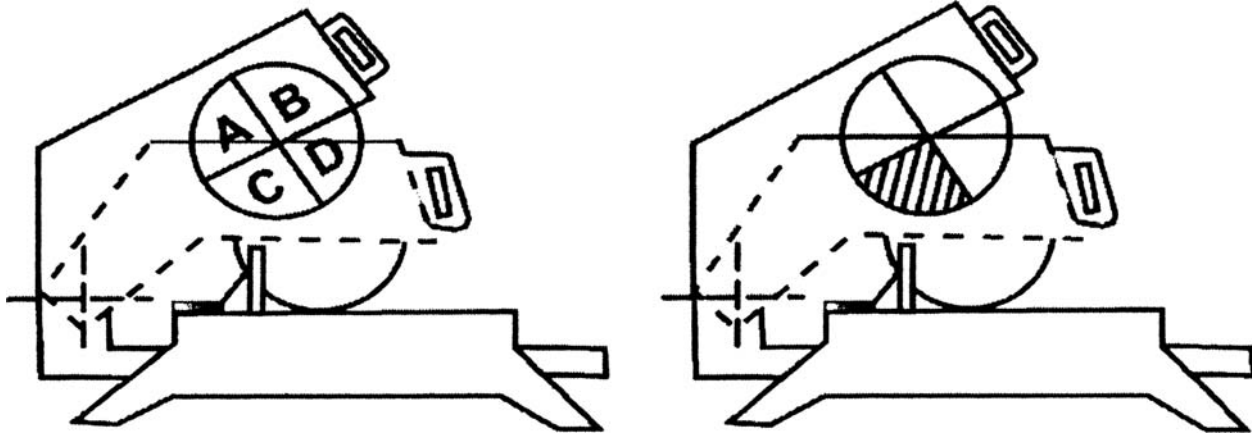
Miter saws include:

- (\*) 1. Miter.
- (\*) 2. Compound miter.
- (\*) 3. Slide miter.
- (\*) 4. Compound slide miter.

~~(You must:)~~

- (1) You must guard miter saws with an upper hood that completely encloses the upper half of the blade.
- (2) You must provide a method to protect employees from contacting the blade underneath the table while in its recommended carrying position.
- (3) You must guard the lower blade:
  - (\*) (a) By making sure the teeth are guarded at least three-quarters of an inch beyond the root of the teeth, toward the center of the blade, except for a maximum forty-five degree exposure of quadrant C when in the full retract position. See Illustration 480-1, Miter Saw Guarding.
  - (\*) (b) With a retractable guard that cannot be locked in any position.

**Illustration 480-1  
Miter Saw Guarding**



This illustration shows miter saws in full retract position, and quadrant C, where 45 degrees, or half of quadrant C may be exposed when in the full retract position.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48030 Guard radial saws. (~~(You must:)~~)**

- (\*) (1) You must make sure the radial saw has a hood that does **all** of the following:
  - (-) (a) Completely encloses the upper portion of the blade down to a point that includes the end of the saw arbor.

- (-) (b) Protects the operator from flying splinters and broken saw teeth.
- (-) (c) Deflects sawdust away from the operator.
- (\*) (2) You must provide a lower blade guard that does **all** of the following (see Guard radial saws, illustration 480-2):
  - (-) (a) Guards the sides of the lower exposed portion of the blade to its full diameter.

((-) (b) Automatically adjusts to the thickness of the stock being cut.

((-) (c) Remains in contact with the stock to provide the maximum protection possible for the operation being performed; (~~(OR~~

-)) or

(d) Is manually adjusted (wing) guard that:

((~~(■)~~) (i) Is made of material strong enough to withstand the forces put on it.

((~~(■)~~) (ii) Suggested materials include polycarbonates or expanded metal.

((~~(■)~~) (iii) Has edges that are smooth so no hazards from the guard exist.

((~~(■)~~) (iv) Extends a minimum of eight inches to both the front and arbor-end sides.

((~~(■)~~) (v) Is adjustable in a vertical plane to the different thicknesses of stock so the gap is three-eighths inch or less between the bottom of the guard and the top of the stock.

**((Exemption:))** Saws may be guarded with a fixed enclosure, fixed barrier guard, or a manually adjusted guard when specific conditions prevent using a standard, automatic adjusting guard. Alternative guards have to both:

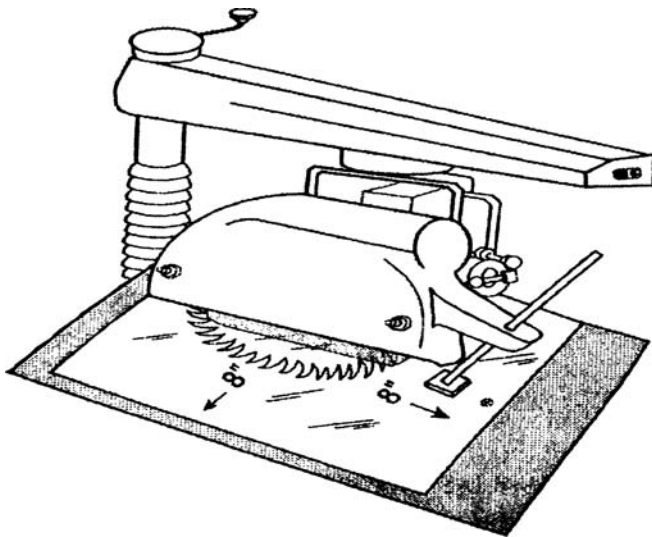
**EXEMPTION:**

((\*) 1. Provide protection equivalent to a standard automatic adjusting guard; (~~(AND)~~) and

((\*) 2. Be used according to the manufacturer's instructions with sufficient supervision to meet this requirement.

**Illustration 480-2 Guard radial saws**

A manually adjusted awareness barrier guard that extends 8 inches to the front and sides of the blade



**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48032 Limit the travel of radial saws.**

**((You must:**

\*) (1) You must provide an adjustable stop that prevents:

((-) (a) Forward travel of the blade beyond the position necessary to complete the cut; (~~(AND~~

-)) and

(b) Any part of the saw blade from extending beyond the front edge of the work support table.

((\*) (2) You must install the saw so that the front end is slightly higher than the rear in order to cause the cutting head to return to the starting position when released by the operator.

((\*) (3) You must make sure the cutting head or carriage does all of the following:

((-) (a) Returns gently to the rest or starting position when released by the operator.

((-) (b) Does not bounce or recoil when reaching the rest or starting position.

((-) (c) Remains in the rest or starting position.

**AMENDATORY SECTION** (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48034 Provide kickback protection for radial saws used for ripping wood products. (~~You must:~~**

\*) (1) You must provide nonkickback fingers or dogs that are both:

((-) (a) Located on both sides of the saw to resist the tendency of the saw to pick up material or throw it back toward the operator; (~~(AND~~

-)) and

(b) Designed to hold any thickness of material being cut.

((\*) (2) You must make sure when ripping or ploughing that you feed the material from the end where the blade teeth enter the upper guard, which is against the direction in which the saw turns. See, Ripping with a radial arm saw, illustration 480-3.

((\*) (3) You must make sure the direction of saw rotation is clearly marked on the hood.

((\*) (4) You must fasten a permanent label at the rear of the guard hood, at about the level of the arbor, where the blade teeth exit the upper hood during saw operation that:

((-) (a) Reads, "DANGER: DO NOT RIP OR PLOUGH FROM THIS END."

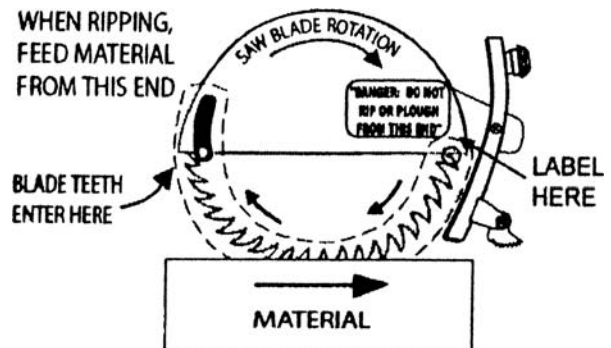
((-) (b) Is colored standard danger red.

((-) (c) Is not less than one and one-half inches by three-quarters inch with standard proportional lettering.

**((RIPPING WITH A RADIAL ARM SAW))**

**Illustration 480-3**

**Important requirements for ripping with a radial arm saw.**



~~((RIPPING~~

~~Illustration 480-3~~

~~Important requirements for ripping with a radial arm saw.))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48036 Guard revolving double arbor saws. ~~((You must:~~**

~~\*) You must guard each revolving double arbor saw with a hood that completely encloses the portion of the saw that is above both:~~

- ~~((-)) (1) The table; ~~((AND~~~~
- ~~-)) and~~
- ~~(2) The material being cut.~~

**Note:** Hoods should be made of material that:

- ~~((\*) 1. Does not shatter when broken.~~
- ~~((\*) 2. Is not explosive.~~
- ~~((\*) 3. Is less combustible than wood.~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48038 Guard swing saws.**

~~((IMPORTANT\*)) **Important:**~~

This section applies to swing saws mounted above the table.

~~((You must:~~

~~\*) (1) You must provide saws with a hood that encloses all of the following:~~

- ~~((-)) (a) Upper half of the saw.~~
- ~~((-)) (b) Arbor end.~~
- ~~((-)) (c) Point of operation in all positions of the saw.~~
- ~~((\*) (2) You must make sure the hood protects operators from flying splinters and broken saw teeth.~~

~~((\*) (3) You must make sure the lower blade guard will automatically cover the lower portion of the blade by dropping on top of and remaining in contact with the table or the material being cut.~~

~~((Exemptions)) **EXEMPTION:** Saws may be guarded with a fixed enclosure, fixed barrier guard, or a manually adjusted guard when specific conditions prevent using a standard, automatic adjusting guard. Alternative guards have to:~~

- ~~((\*) 1. Provide protection equivalent to a standard automatic adjusting guard; ~~((AND)) and~~~~
- ~~((\*) 2. Be used according to the manufacturer's instructions with sufficient supervision to meet this requirement.~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48040 Limit the travel of swing saws.**

~~((IMPORTANT\*)) **Important:**~~

This section applies to swing saws that are mounted above the table.

~~((You must:~~

~~\*) (1) You must provide saws with a device that:~~

- ~~((-)) (a) Automatically returns the saw to the back of the table when the saw is released at any point in its travel.~~

~~((-)) (b) Does not depend on a rope, cord, or spring to function properly.~~

~~((\*) (2) You must make sure devices that use a counterweight meets these requirements:~~

~~((-)) (a) The bolts supporting the bar and the counterweight use cotter pins.~~

~~((-)) (b) The counterweight is prevented from dropping by one of these methods:~~

~~((\*) (i) A bolt passing through both the bar and the counterweight.~~

~~((\*) (ii) A bolt through the extreme end of the bar.~~

~~((\*) (iii) A safety chain to hold it to the bar if the counterweight does not completely encircle the bar.~~

~~((\*) (3) You must provide limit chains or another equally effective device to prevent the saw from swinging either:~~

~~((-)) (a) Beyond the front or back edge of the table; ~~((OR~~~~

~~-)) or~~

~~(b) Forward to a position where the gullets of the lowest saw teeth will rise above the table top.~~

~~((Requirements for Band Saws and Drag Saws))~~

NEW SECTION

**WAC 296-806-48041 Requirements for band saws and drag saws.**

You must meet the requirements...	in this section:
Make sure band saws meet these requirements	WAC 296-806-48042
Protect employees from drag saw hazards	WAC 296-806-48044

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48042 Make sure band saws meet these requirements. ~~((You must:~~**

~~\*) (1) You must enclose or guard all portions of the blade except for the working portion of the blade between the guide rolls and the table.~~

~~((\*) (2) You must make sure the guard for the portion of the blade between the sliding guide and the wheel guard meets these requirements:~~

~~((-)) (a) Protects the front and outer side of the blade.~~

~~((-)) (b) Is self-adjusting to move with the guide.~~

~~((-)) (c) Adjusts so the gap between the guide rolls and stock is as small as is practical.~~

~~((\*) (3) You must fully enclose band saw wheels with wheel guards that meet both of the following requirements:~~

~~((-)) (a) The outside periphery of the wheel enclosure is solid; ~~((AND~~~~

~~-)) and~~

~~(b) The front and back of the wheels are enclosed by solid material, wire mesh, or perforated metal.~~

~~((\*) (4) You must make sure the material used for wheel guards meets these requirements:~~

~~((-)) (a) Wire mesh and perforated metal guards:~~

~~(\*)~~ (i) Are at least 0.037 inch (U.S. Gage No. 20) thick.  
~~(\*)~~ (ii) Have openings in them that are three-eighths inch or less.

(-) (b) Solid material has strength and firmness equivalent to a wire mesh or perforated steel guard.

(\*) (5) You must make sure band saws have a tension control device to indicate the proper tension for standard saws used on the machine.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48044 Protect employees from drag saw hazards.** ~~((You must:))~~

\*) You must protect employees passing near a drag saw by either:

(-) (1) Providing a four-foot clearance when the saw is at the extreme end of the stroke; ~~((OR~~

-)) or

(2) Enclosing the saw and its driving mechanism, if you cannot provide a four-foot clearance.

~~((CUTTING HEADS~~

~~General Requirements for All Cutting Heads))~~

NEW SECTION

**WAC 296-806-48045 General requirements for all cutting heads.**

You must meet the requirements...	in this section:
Maintain and balance knives and cutting heads	WAC 296-806-48046

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48046 Maintain and balance knives and cutting heads.** ~~((You must:))~~

\*) (1) You must make sure knives and cutting heads are kept:

(-) (a) Sharp.

(-) (b) Properly adjusted.

(-) (c) Firmly secured.

(\*) (2) You must make sure knives are properly balanced when two or more are used in one cutting head.

~~((BORING AND MORTISING MACHINES))~~

NEW SECTION

**WAC 296-806-48047 Boring and mortising machines.**

You must meet the requirements...	in this section:
Make sure boring and mortising machines meet these requirements	WAC 296-806-48048

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48048 Make sure boring and mortising machines meet these requirements.**

~~((Exemption:))~~ This section does not apply to drill presses, boring machines, or mortising machines if both of the following apply:

- ~~EXEMPTION:~~
- (\*) 1. The downward stroke of the chuck and bit is controlled manually by the operator; ~~((AND))~~ and
  - (\*) 2. The chuck and bit automatically rises to the start position when control is released.

~~((You must:))~~

\*) (1) You must completely enclose universal joints on spindles of boring machines to prevent accidental contact by the operator.

(\*) (2) You must make sure you do not use safety bit chucks that have projecting set screws.

(\*) (3) You must enclose the top of the cutting chain and driving mechanism.

(\*) (4) You must prevent a counterweight, when used, from dropping by securing it to a bar by one of the following, or an equivalent method:

~~((Securing it to a bar by one of the following:))~~

~~(\*)~~ (a) A bolt passing through both the bar and the counterweight.

~~(\*)~~ (b) A bolt through the extreme end of the bar.

~~(\*)~~ (c) A safety chain to hold it to the bar if the counterweight does not completely encircle the bar; ~~((OR~~

-)) or

(d) Suspending it by a chain or wire rope and having it travel in a pipe or other suitable enclosure if it could fall and injure an employee.

**Note:** Boring bits should be provided with a guard that will enclose all portions of the bit and chuck above the material being worked.

~~((CHIPPER AND HOG MILLS))~~

NEW SECTION

**WAC 296-806-48049 Chipper and hog mills.**

You must meet the requirements...	in this section:
Follow these requirements for chipper mills	WAC 296-806-48050
Follow these requirements for hog mills	WAC 296-806-48052
Protect employees from falling into chipper and hog mills	WAC 296-806-48054

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48050 Follow these requirements for chipper mills.**

~~((Exemption:))~~ This section does not apply to mobile chippers.  
~~EXEMPTION:~~

Reference: Safety requirements for mobile chippers can be found in, Pruning, Repairing, Maintaining and Removing Trees and Cutting Brush, section 9.6, ANSI Z133.1-2000.

~~((You must:))~~

- (1) You must arrange the feed system so the operator does not stand in direct line with the chipper blades or spout (hopper).
- (2) You must protect the operator from chips or chunks being thrown out while feeding the machine.
- (3) You must enclose the chipper spout to a height or distance of at least forty inches from the floor or the operator's station, whichever is higher.
- (4) You must provide a mirror or other device to allow monitoring of material when the operator cannot readily observe the material being fed into the chipper.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48052 Follow these requirements for hog mills. (~~You must:~~)**

- (1) You must make sure that feed chutes are at least forty inches from the knives or feed roll.
- (2) You must provide baffles or other suitable safeguards to prevent material from being thrown from the hog mill.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48054 Protect employees from falling into chipper and hog mills. (~~You must:~~**

- ) You must protect employees working near the feed openings of chipper and hog mills from falling into the openings by providing **at least one** of the following:
  - ((-) (1) A safety belt (or harness) and a lifeline short enough to prevent workers from falling into the mill.
  - ((-) (2) Barriers or other types of protective guarding.

Reference: See, Railing, toeboards and cover specifications for requirements on guardrails used as barriers, WAC 296-24-75011.

**((JOINTERS))**

NEW SECTION

**WAC 296-806-48055 Jointers.**

You must meet the requirements...	in this section:
Make sure jointers with horizontal cutting heads meet these requirements	WAC 296-806-48056
Guard horizontal cutting heads on hand-fed jointers	WAC 296-806-48058
Guard vertical cutting heads on jointers	WAC 296-806-48060

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48056 Make sure jointers with horizontal cutting heads meet these requirements. (~~You must:~~**

- ) (1) You must make sure the cutting head on hand-fed jointers is cylindrical:
  - ((-) (2) You must install and adjust the knife blade so it does not protrude more than one-eighth inch beyond the body of the head.
- ((•) (3) You must make sure the opening in the table meets **all** of the following:
  - ((-) (a) Is kept as small as possible.
  - ((-) (b) The clearance between the edge of the rear table and the cutting head is not more than one-eighth inch.
  - ((-) (c) The table throat opening is not more than two and one-half inches when the tables are set or aligned with each other for zero cut.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48058 Guard horizontal cutting heads on hand-fed jointers. (~~You must:~~**

- ) (1) You must provide jointers with an automatic guard on the working side of the fence or gage that does **all** of the following:
  - ((-) (a) Covers all sections of the head.
  - ((-) (b) Effectively keeps the operator's hand from contacting the revolving knives.
  - ((-) (c) Automatically adjusts to cover the unused portion of the head.
  - ((-) (d) Remains in contact with the material at all times.
- ((•) (2) You must provide jointers with a guard that covers the section of the head behind the gage or fence.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48060 Guard vertical cutting heads on jointers. (~~You must:~~**

- ) You must provide each jointer that has a vertical cutting head with an exhaust hood or other type of guard that completely encloses the revolving head except for a slot that is wide enough for the material being jointed.

**((MOLDING, STICKING AND MATCHING MACHINES))**

NEW SECTION

**WAC 296-806-48061 Molding, sticking and matching machines.**

You must meet the requirements...	in this section:
Make sure molding, sticking and matching machines meet these requirements	WAC 296-806-48062



AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48062 Make sure molding, sticking and matching machines meet these requirements. (~~You must:~~**

\*) (1) You must make sure all cutting heads, and saws if used, are covered by a guard that:

(-) (a) Is metal.

(-) (b) Forms all or part of the exhaust hood if an exhaust system is used.

(\*) (2) You must make sure a guard constructed from:

(-) (a) Sheet metal is at least one-sixteenth inch thick.

(-) (b) Cast iron is at least three-sixteenths inch thick.

(\*) (3) You must make sure feed rolls are guarded by a hood or other suitable guard that both:

(-) (a) Prevents the operator's hand from contacting the in-running rolls at any point; (~~AND~~

-) and

(b) Is attached to the frame carrying the rolls so it adjusts for any thickness of stock.

~~((PANEL RAISERS AND OTHER SIMILAR MACHINES))~~

NEW SECTION

**WAC 296-806-48063 Panel raisers and other similar machines.**

You must meet the requirements...	in this section:
Guard hand-fed panel raisers and other similar machines	WAC 296-806-48064

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48064 Guard hand-fed panel raisers and other similar machines. (~~You must:~~**

\*) You must guard the cutting heads of hand-fed panel raisers and other similar machines by enclosing the cutting head with either:

(-) (1) A fixed guard such as a cage; (~~OR~~

-) or

(2) An adjustable guard designed to keep the operator's hand away from the cutting edge.

~~((PLANERS))~~

NEW SECTION

**WAC 296-806-48065 Planers.**

You must meet the requirements...	in this section:
Make sure planers with a horizontal cutting head meet these requirements	WAC 296-806-48066
Guard planers	WAC 296-806-48068

You must meet the requirements...	in this section:
Guard planer feed rolls	WAC 296-806-48070
Provide kickback protection on planers running stock of varied thicknesses	WAC 296-806-48072

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48066 Make sure planers with a horizontal cutting head meet these requirements. (~~You must:~~**

\*) (1) You must make sure the cutting head on hand-fed planers is cylindrical.

(-) (2) You must install and adjust the knife blade so it does not extend more than one-eighth inch beyond the body of the head.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48068 Guard planers. (~~You must:~~**

\*) (1) You must make sure all cutting heads, and saws if used, are covered by a guard that:

(-) (a) Is metal.

(-) (b) Forms all or part of the exhaust hood if an exhaust system is used.

(\*) (2) You must make sure a guard constructed from:

(-) (a) Sheet metal is at least one-sixteenth inch thick.

(-) (b) Cast iron is at least three-sixteenths inch thick.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48070 Guard planer feed rolls. (~~You must:~~**

\*) You must make sure feed rolls are guarded by a hood or other suitable guard that:

(-) (1) Prevents the operator's hand from contacting the in-running rolls at any point.

(-) (2) Is attached to the frame carrying the rolls so it remains in adjustment for any thickness of stock.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48072 Provide kickback protection on planers running stock of varied thicknesses. (~~You must:~~**

\*) You must provide kickback protection on planers running stock of varied thicknesses at the same time by providing either:

(-) (1) Sectional feed rolls that provide feeding contact pressure on the stock; (~~OR~~

-) or

(2) Suitable nonkickback fingers at the infeed end of each section.

**Note:** The sectional feed rolls need to have sufficient yield in their construction to provide contact pressure on(=) any thickness of stock the machine is capable of processing.

**((SHAPERS))**

NEW SECTION

**WAC 296-806-48073 Shapers.**

You must meet the requirements...	in this section:
Make sure shapers meet these requirements	WAC 296-806-48074

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48074 Make sure shapers meet these requirements. ((You must:**

•)) (1) You must guard the cutting head of the shaper by enclosing it with either:

((-) (a) A fixed guard, such as a cage; ((OR -)) or

(b) An adjustable guard designed to keep the operator's hand away from the cutting edge.

((+) (2) You must make sure the diameter of a circular shaper guard is at least as large as the greatest diameter of the cutter.

**Note:** A warning device of leather or other material attached to the spindle is NOT an acceptable substitute for a guard.

**((You must:**

•)) (3) You must guard all sections of the cutting tool except for an opening to allow access to the work piece by the cutting tool.

**Note:** A ring guard is one means of satisfying the guarding requirement for cutting tools when involved in free hand or template shaping.

**((You must:**

•)) (4) You must make sure all double-spindle shapers have a spindle starting and stopping device for each spindle.

**((TENONING MACHINES))**

NEW SECTION

**WAC 296-806-48075 Tenoning machines.**

You must meet the requirements...	in this section:
Guard tenoning machine feed chains and sprockets	WAC 296-806-48076
Guard tenoning machines	WAC 296-806-48078

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48076 Guard tenoning machine feed chains and sprockets. ((You must:**

•)) You must guard feed chains and sprockets of all double-end tenoning machines by completely enclosing both of the following:

((-) (1) All sprockets; ((AND -)) and

(2) Portions of the chain that are not used for conveying stock.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48078 Guard tenoning machines. ((You must:**

•)) (1) You must make sure all cutting heads, and saws if used, are covered by a metal guard that:

((-) (a) Covers at least the unused part of the periphery of the cutting head.

((-) (b) Forms all or part of the exhaust hood if an exhaust system is used.

((+) (2) You must make sure a guard constructed from:

((-) (a) Sheet metal is at least one-sixteenth inch thick.

((-) (b) Cast iron is at least three-sixteenths inch thick.

**((VENEER MACHINES))**

NEW SECTION

**WAC 296-806-48079 Veneer machines.**

You must meet the requirements...	in this section:
Guard veneer cutters and wringer knives	WAC 296-806-48080
Guard veneer clippers	WAC 296-806-48082
Follow these requirements for guarding guillotine cutters	WAC 296-806-48084
Provide mechanisms to stop power-driven guillotine cutters	WAC 296-806-48086
Prohibit riders on veneer slicer carriages	WAC 296-806-48088

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48080 Guard veneer cutters and wringer knives. ((You must:**

•)) You must provide guards to prevent accidental contact with the front or rear knife edge.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48082 Guard veneer clippers. ((You must:**

•)) You must make sure employees do not accidentally contact the knife edge of veneer clippers by providing either:

((-) (1) An automatic feed; ((OR

-)) or

(2) Guarding at both the front and rear of the clippers.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48084 Follow these requirements for guarding guillotine cutters.**

~~((Exemption:))~~ These requirements do not apply to continuous-feed trimmers.  
**EXEMPTION:**

~~((You must:))~~

(1) You must provide **one** of the following to hand and foot powered guillotine cutters, so employees' hands cannot reach the cutting edge of the knife:

(\*) (a) Rods.

(\*) (b) Plates.

(\*) (c) Other satisfactory means of protection such as those outlined in, Safeguarding methods, WAC 296-806-20042 through 296-806-20058.

(2) You must provide power-driven guillotine veneer cutters with either of the following:

(\*) (a) Starting devices for each operator that require all of the following:

(-) (i) Both hands activating controls at the same time to start the cutting motion;

(-) (ii) At least one hand on a control during the complete stroke of the knife; ~~((OR~~

~~\*) or~~

(b) An automatic guard that does all of the following:

(-) (i) Keeps the hands of the operator away from the danger zone every time the blade comes down.

(-) (ii) Is used in combination with one-handed starting devices that require two separate movements of the device to start the cutting motion.

(-) (iii) Is designed to return positively to the nonstarting position after each complete cycle of the knife.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48086 Provide mechanisms to stop power-driven guillotine cutters.**

~~((Exemption:))~~ This requirement does not apply to continuous-feed trimmers.  
**EXEMPTION:**

~~((You must:))~~

\*) You must provide power-driven guillotine cutters with both:

(-) (1) Brakes or other stopping mechanism; ~~((AND~~ -)) and

(2) An emergency device that will prevent the machine from operating if the brake fails when the starting mechanism is in the nonstarting position.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48088 Prohibit riders on veneer slicer carriages. ~~((You must:))~~**

\*) You must prohibit employees from riding on veneer slicer carriages.

~~((SEWING MACHINES))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-485 ~~((Summary:))~~ Sewing machines. Summary**

(1) In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

(\*) Requirements for all machines, WAC 296-806-200 and 296-806-300.

(2) This section applies to the hazards of needle injuries from domestic or light duty sewing machines.

**Your responsibility:**

To protect employees from hazards associated with sewing machines.

~~((You must:))~~

~~Guard sewing machine needles WAC 296-806-48502.)~~

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Guard sewing machine needles</u>	<u>WAC 296-806-48502</u>

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

**WAC 296-806-48502 Guard sewing machine needles.**

~~((Exemption:))~~ This section does not apply to domestic-type sewing machines having a presser-foot that is in the "down" position during operation of the machine.  
**EXEMPTION:**

~~((You must:))~~

\*) You must provide a permanently attached guard on each sewing machine that:

(-) (1) Prevents the operator's fingers from passing under the needle.

(-) (2) Allows the needle to be conveniently threaded without removing the guard.

**Reference:** For specific requirements about safeguarding sewing machine belts can be found in, Safeguard belt and rope drives, WAC 296-806-30004.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-806-500 Definitions.

NEW SECTION

**WAC 296-809-099 Definitions. Acceptable entry conditions.** The conditions that must exist in a permit-required confined space to allow safe entry and work.

**Attendant.** An individual stationed outside one or more permit-required confined spaces to monitor the entrants.

**Blanking or blinding.** The absolute closure of a pipe, line, or duct by fastening a solid plate (such as a spectacle blind or a skillet blind) that completely covers the bore. It is

capable of withstanding the maximum pressure of the pipe, line, or duct with no leakage beyond the plate.

**Confined space.** A space that is **all** of the following:

(a) Large enough and arranged so an employee could fully enter the space and work.

(b) Has limited or restricted entry or exit. Examples of spaces with limited or restricted entry are tanks, vessels, silos, storage bins, hoppers, vaults, excavations, and pits.

(c) Not primarily designed for human occupancy.

**Double block and bleed.** The closure of a line, duct, or pipe by closing and locking or tagging two in-line valves and by opening and locking or tagging a drain or vent valve in the line between the two closed valves.

**Emergency.** Any occurrence (including any failure of hazard control or monitoring equipment) or event internal or external to the permit-required confined space that could endanger authorized entrants.

**Engulfment.** The surrounding capture of a person by a liquid or finely divided (flowable) solid substance that can be inhaled to cause death by filling or plugging the respiratory system or that can exert enough force on the body to cause death by strangulation, constriction, or crushing.

**Enter (entry).** The action by which a person passes through an opening into a permit-required confined space and includes work activities in that space. Entry is considered to have occurred as soon as any part of the entrant's body breaks the plane of an opening into the space.

Note: If the opening is large enough for the worker to fully enter the space, a permit is required even for partial body entry. Permits are not required for partial body entry where the opening is not large enough for full entry, although other rules such as chapter 296-803 WAC, Lockout-tagout (control of hazardous energy), and chapter 296-841 WAC, Airborne Contaminants, may apply.

**Entrant.** An employee who is authorized by the employer to enter a permit-required confined space.

**Entry permit (permit).** The written or printed document that is provided by you to allow and control entry into a permit-required confined space and that contains the information required in WAC 296-809-500, Permit entry procedures.

**Entry supervisor.** The person (such as the employer, crew leader, or crew chief) responsible for:

(a) Determining if acceptable entry conditions are present at a permit-required confined space where entry is planned;

(b) Authorizing entry and overseeing entry operations; and

(c) Terminating entry as required.

**Hazardous atmosphere.** An atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue (that is, escape unaided from a permit-required confined space), injury, or acute illness caused by one or more of the following:

(a) Flammable gas, vapor, or mist in excess of ten percent of its lower flammable limit (LFL).

(b) Airborne combustible dust at a concentration that meets or exceeds its LFL.

Note: This concentration may be approximated as a condition in which the dust obscures vision at a distance of five feet (1.52 m) or less.

(c) Atmospheric oxygen concentration below 19.5 percent or above 23.5 percent.

(d) Atmospheric concentration of any substance which may exceed a permissible exposure limit. For additional information about atmospheric concentration, see chapter 296-62 WAC, parts F, G, and I, General occupational health standards and chapter 296-841 WAC, Airborne contaminants.

Note: An airborne concentration of a substance that is not capable of causing death, incapacitation, impairment of ability to self-rescue, injury, or acute illness due to its health effects is not covered by this definition.

(e) Any other atmospheric condition that is immediately dangerous to life or health.

Note: You can find guidance on establishing acceptable atmospheric conditions for air contaminants, which have no WISHA-determined doses or permissible exposure limits using other sources of information, such as:

1. Safety data sheets required by WAC 296-901-14014, Safety data sheets.
2. Published information.
3. Internal documents.

**Hot work permit.** A written authorization to perform operations, for example, riveting, welding, cutting, burning, and heating, that can provide a source of ignition.

**Immediately dangerous to life or health (IDLH).** Any of the following conditions:

(a) An immediate or delayed threat to life.

(b) Anything that would cause irreversible adverse health effects.

(c) Anything that would interfere with an individual's ability to escape unaided from a permit-required confined space.

Note: Some materials - hydrogen fluoride gas and cadmium vapor, for example - may produce immediate transient effects that, even if severe, may pass without medical attention, but are followed by sudden, possibly fatal collapse twelve to seventy-two hours after exposure. The victim "feels normal" after recovery from transient effects until collapse. Such materials in hazardous quantities are considered to be "immediately" dangerous to life or health (IDLH).

**Inerting.** The displacement of the atmosphere in a permit-required confined space by a noncombustible gas (such as nitrogen) to such an extent that the resulting atmosphere is noncombustible.

Note: This procedure produces an IDLH oxygen-deficient atmosphere.

**Isolation.** The process by which a permit-required confined space is removed from service and completely protected against the release of energy and material into the space by such means as: Blanking or blinding; misaligning or removing sections of lines, pipes, or ducts; a double block and bleed system; lockout or tagout of all sources of energy; or blocking or disconnecting all mechanical linkages.

**Line breaking.** The intentional opening of a pipe, line, or duct that is or has been carrying flammable, corrosive, or

toxic material, an inert gas, or any fluid at a volume, pressure, or temperature capable of causing injury.

**Nonpermit confined space.** A confined space that does not contain actual hazards or potential hazards capable of causing death or serious physical harm.

**Oxygen deficient atmosphere.** An atmosphere containing less than 19.5 percent oxygen by volume.

**Oxygen enriched atmosphere.** An atmosphere containing more than 23.5 percent oxygen by volume.

**Permit-required confined space or permit space.** A confined space that has one or more of the following characteristics capable of causing death or serious physical harm:

- (a) Contains or has a potential to contain a hazardous atmosphere;
- (b) Contains a material with the potential for engulfing someone who enters;
- (c) Has an internal configuration that could allow someone entering to be trapped or asphyxiated by inwardly converging walls or by a floor, which slopes downward and tapers to a smaller cross section;
- (d) Contains any physical hazard. This includes any recognized health or safety hazards including engulfment in solid or liquid material, electrical shock, or moving parts;
- (e) Contains any other recognized serious safety or health hazard that could either:
  - (i) Impair the ability to self-rescue; or
  - (ii) Result in a situation that presents an immediate danger to life or health.

**Permit-required confined space program.** An overall program for:

- (a) Controlling and appropriately protecting employees from permit-required confined space hazards; and

- (b) Regulating employee entry into permit-required confined spaces.

**Prohibited condition.** Any condition in a permit-required confined space that is not allowed by the permit during the authorized entry period.

**Rescue service.** The personnel designated to rescue employees from permit-required confined spaces.

**Retrieval system.** The equipment used for nonentry rescue of persons from permit-required confined spaces, such as a retrieval line, full-body harness or wristlets, and a lifting device or anchor.

**Testing.** The process of identifying and evaluating the hazards that entrants may be exposed to in a permit-required confined space. Testing includes specifying the tests that are to be performed in the permit-required confined space.

Note: Testing allows employers to devise and implement adequate controls to protect entrants during entry, and to determine if acceptable entry conditions are present.

**AMENDATORY SECTION** (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-100 Scope.** This chapter applies to all confined spaces and provides requirements to protect employees from the hazards of entering and working in confined spaces. This chapter applies in any of the following circumstances:

- (\*) (1) You have confined spaces in your workplace.
- (\*) (2) Your employees will enter another employer's confined spaces.
- (\*) (3) A contractor will enter your confined spaces.
- (\*) (4) You provide confined space rescue services.

You can use Table 1 to help you decide which requirements to follow for confined spaces.

**Table 1**  
**Requirements for Confined Spaces**

For confined spaces that are	The requirements in the following sections apply					
	200	300	400	500	600	700
Permit-required confined spaces	X	X	X	X	X	X
Entered by a contractor	X	X	X	X	X	X
Nonpermit confined spaces	X					X
Never entered	X					
<b>If you only:</b>						
Use alternate entry procedures	X	X	X		X	
Have a contractor enter your space	X					
Are a rescue service provider		X	X	X		

~~((Definition:  
A confined space is a space that is ALL of the following:  
• Large enough and arranged so an employee could fully enter the space and work.  
• Has limited or restricted entry or exit. Examples of spaces with limited or restricted entry are tanks, vessels, silos, storage bins, hoppers, vaults, excavations, and pits.  
• Not primarily designed for human occupancy.))~~

Rules in other chapters that cover confined spaces may also apply to your work. You can find a list of these rules in the resources section of this chapter.

**Note:** ((\*) 1 Requirements in other chapters may apply to your work. You will find some safety and health requirements are addressed on a broad level in this chapter, while being addressed for a specific application in another rule. When this happens, both requirements apply and should not conflict. When a conflict does occur, you need to follow the more specific requirement.

((\*) 2 If you are uncertain which requirements to follow, contact your local labor and industries (L&I) office.

((\*) 3 For a complete list of local L&I offices, see the resources section of the safety and health core rules, chapter 296-800 WAC.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-200 ((Summary-)) Identifying and controlling permit-required confined spaces.**

**~~((Identifying and controlling permit required confined spaces-))~~ Summary**

**Your responsibility:**

To identify your permit-required confined spaces and control employee entry.

~~((You must:~~

~~Identify permit-required confined spaces.~~

~~**WAC 296-809-20002**~~

~~Inform employees and control entry to permit-required confined spaces.~~

~~**WAC 296-809-20004**~~

~~Follow these requirements when you contract with another employer to enter your confined space.~~

~~**WAC 296-809-20006))**~~

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Identify permit-required confined spaces</u>	<u>WAC 296-809-20002</u>
<u>Inform employees and control entry to permit-required confined spaces</u>	<u>WAC 296-809-20004</u>
<u>Follow these requirements when you contract with another employer to enter your confined space</u>	<u>WAC 296-809-20006</u>

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-20002 Identify permit-required confined spaces.**

**~~((IMPORTANT-))~~ Important:**

1 If your workplace contains only nonpermit confined spaces and your employees do not enter another employer's confined space, you may follow only the requirements in:

((-) a WAC 296-809-200, Identifying and controlling permit-required confined spaces; and

((-) b WAC 296-809-700, Nonpermit confined space requirements.

((\*) 2 See the resources section for other chapters covering confined spaces that may apply to your work.

~~((You must:~~

~~\*) (1) You must identify all permit-required confined spaces in your workplace.~~

~~((\*) (2) You must assume any confined space is a permit-required confined space, unless you determine the space to be a nonpermit confined space.~~

~~((-) (a) If you enter the space to determine the hazards, follow the requirements in WAC 296-809-500, Permit entry procedures.~~

~~((-) (b) If you evaluate the confined space and there are no potential or actual hazards, you can consider it to be a nonpermit confined space. ((\*) Document your determination that the space is nonpermit, as required by WAC 296-809-700.~~

~~((Definitions:~~

~~A permit-required confined space or permit space is a confined space that has one or more of the following characteristics capable of causing death or serious physical harm:~~

~~—Contains or has a potential to contain a hazardous atmosphere.~~

~~—Contains a material with the potential for engulfing someone who enters the space.~~

~~—Has an internal configuration that could allow someone entering to be trapped or asphyxiated by inwardly converging walls or by a floor, which slopes downward and tapers to a smaller cross section.~~

~~—Contains any physical hazard. This includes any recognized health or safety hazards including engulfment in solid or liquid material, electrical shock, or moving parts.~~

~~—Contains any other recognized safety or health hazard that could either:~~

~~• Impair the ability to self-rescue;~~

~~OR~~

~~• Result in a situation that presents an immediate danger to life or health.~~

~~A nonpermit confined space is a confined space that does NOT contain actual hazards or potential hazards capable of causing death or serious physical harm.))~~

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-20004 Inform employees and control entry to permit-required confined spaces.** ~~((You must:))~~

(1) You must provide information about confined spaces as follows:

((\*) (a) Make available to affected employees and their authorized representatives all information and documents required by this chapter.

((\*) (b) Inform affected employees about the existence, location, and danger of any permit-required confined spaces in your workplace by:

((-) (i) Posting danger signs; or

((-) (ii) Using any other equally effective means to inform employees.

**Note:** A sign reading "Danger-Permit Required Confined Space, DO NOT ENTER" or using pictures or other similar wording employees can understand would satisfy the requirement for a sign.

~~((You must:))~~

(2) You must take effective measures to prevent unauthorized employees from entering permit-required confined spaces.

**Note:** Examples of measures to prevent employee entry include padlocks, bolted covers, special tools to remove covers, and providing employee training.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-20006 Follow these requirements when you contract with another employer to enter your confined space.**

~~((IMPORTANT:))~~ **Important:**

The contractor is responsible for following all confined space requirements in this chapter and in other rules that apply. For a list of other rules that may apply, see the resources section of this chapter.

~~((You must:))~~

\*) You must do all of the following if you arrange to have another employer (contractor) perform work that involves entry into your permit-required confined space:

(-) (1) Inform the contractor:

(\*) (a) That the workplace contains permit-required confined spaces and entry is allowed only if the applicable requirements of this chapter are met.

(\*) (b) Of the identified hazards and your experience with each permit-required confined space.

(\*) (c) Of any precautions or procedures you require for the protection of employees in or near spaces where the contractor will be working.

(-) (2) Coordinate entry operations with the contractor, when either employees or employers from the different companies will be working in or near permit-required confined spaces.

(-) (3) Discuss entry operations with the contractor when they are complete. Include the following in your discussion:

(\*) (a) The program followed during confined space entry; and

(\*) (b) Any hazards confronted or created.

~~((PERMIT REQUIRED CONFINED SPACE PROGRAM))~~

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-300 ((Summary-)) Permit-required confined space program.**

Summary

**Your responsibility:**

**To develop your permit-required confined space program and practices.**

~~((IMPORTANT:))~~ **Important:**

This section applies if employees will enter a permit-required confined space.

~~((You must:))~~

~~Develop a written permit required confined space program.~~

~~WAC 296-809-30002~~

~~Meet these additional requirements if your employees enter another employer's confined space.~~

~~WAC 296-809-30004))~~

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Develop a written permit-required confined space program</u>	<u>WAC 296-809-30002</u>
<u>Meet these additional requirements if your employees enter another employer's confined space</u>	<u>WAC 296-809-30004</u>

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-30002 Develop a written permit-required confined space program.**

~~((IMPORTANT:))~~

\*) **Important:**

Identify and evaluate the hazards of permit-required confined spaces and the work performed, to assist you in developing your entry program.

~~((You must:))~~

\*) (1) You must develop a written program, before employees enter, that describes the means, procedures, and practices you use for the safe entry of permit-required confined spaces as required by this chapter. Include the following when applicable to your confined space entry program:

(-) (a) Documentation of permit entry procedures.

(-) (b) Documentation used for alternate entry procedures.

(-) (c) How to reclassify permit-required confined spaces to nonpermit spaces.

(-) (d) Designation of employee roles, such as entrants, attendants, entry supervisors, rescuers, or those who test or monitor the atmosphere in a permit-required space.

(-) (e) Identification of designated employee duties.

(-) (f) Training employees on their designated roles.

(-) (g) How to identify and evaluate hazards.

(-) (h) Use and maintenance of equipment.

(-) (i) How to prevent unauthorized entry.

(-) (j) How to coordinate entry with another employer.

(-) (k) How to rescue entrants.

**Note:** For alternate entry, your written program only needs to meet the requirements of WAC 296-809-400, Employee training, and WAC 296-809-600, Alternate entry procedures, of this chapter.

~~((You must:))~~

\*) (2) You must consult with affected employees and their authorized representatives when developing and implementing all aspects of your permit-required confined space program.

(\*) (3) You must make the written program available to employees and their authorized representatives.

(\*) (4) You must update your written program as necessary.

**Link:** You can find a sample permit-required confined space entry program in the user guide located in the resources section of this chapter or by visiting the labor and industries web site at (<http://www.lni.wa.gov/wisha/publications/App>) <http://www.lni.wa.gov/FormPub> or <http://www.lni.wa.gov/safety/rules/helpfultools/default.asp>.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-30004 Meet these additional requirements if your employees enter another employer's confined space. ~~((You must:~~**

•)) (1) You must obtain any available information about permit-required confined space hazards and entry operations from the host employer.

((•)) (2) You must coordinate entry operations with any other employers whose employees will be working in or near the permit-required confined space.

((•)) (3) You must inform the host employer, either through a debriefing or during entry operations, about:

(-) (a) The entry program you will follow; and

(-) (b) Any hazards you confronted or created in the space during entry operations.

~~((EMPLOYEE TRAINING))~~

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-400 ~~((Summary:))~~ Employee training. Summary**

**Your responsibility:**

**To make sure employees are trained to perform their designated roles safely.**

~~((You must:~~

~~Provide employee training.~~

~~WAC 296-809-40002~~

~~Certify employee proficiency.~~

~~WAC 296-809-40004))~~

<u>You must meet the requirements...</u>	<u>in this section:</u>
Provide employee training	<u>WAC 296-809-40002</u>
Certify employee proficiency	<u>WAC 296-809-40004</u>

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-40002 Provide employee training.**

~~((You must:~~

•)) (1) You must provide training to each employee involved in permit-required confined space activities, so they acquire the understanding, knowledge and skills necessary to safely perform assigned duties.

(-) (a) Establish employee proficiency in their confined space duties.

(-) (b) Introduce new or revised procedures as necessary.

**Note:** Employers can determine employee proficiency by:

(-) 1. Observing employee performance during training exercises that simulate actual confined space conditions.

(-) 2. A comprehensive written examination; or

(-) 3. Any other method that is effective for the employer.

~~((You must:~~

•)) (2) You must provide training at the following times:

(-) (a) Before an employee is first assigned to duties covered by this chapter.

(-) (b) Before there is a change in an employee's assigned duties.

(-) (c) When there is a permit-required confined space hazard for which the employee has not already been trained.

(-) (d) If you have reason to believe that there are either:

(•) (i) Deviations from your procedures for permit-required confined space entry; or

(•) (ii) Employee knowledge or use of your procedures is inadequate.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-40004 Certify employee proficiency.**

~~((You must:~~

•)) (1) You must certify employee proficiency in their assigned duties.

((•)) (2) You must make sure the certification:

(-) (a) Contains each employee's name, the trainer's written or electronic signature or initials, and the dates of training.

(-) (b) Is available for inspection by employees and their authorized representatives.

~~((PERMIT ENTRY PROCEDURES))~~

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-500 ~~((Summary:))~~ Permit entry procedures. Summary**

**Your responsibility:**

To establish procedures for the safe permit-required entry of confined spaces.

~~((Implement procedures for entry permits.~~

~~WAC 296-809-50002~~

~~Use an entry permit that contains all required information.~~

~~WAC 296-809-50004~~

~~Keep and review your entry permits.~~

~~WAC 296-809-50006~~

~~Prevent unauthorized entry.~~

~~WAC 296-809-50008~~

~~Provide, maintain, and use proper equipment.~~

~~WAC 296-809-50010~~

~~Evaluate and control hazards for safe entry.~~

~~WAC 296-809-50012~~

~~Make sure you have adequate rescue and emergency services available.~~



~~WAC 296-809-50014~~

~~Use nonentry rescue systems or methods whenever possible.~~

~~WAC 296-809-50016~~

~~Make sure entry supervisors perform their responsibilities and duties.~~

~~WAC 296-809-50018~~

~~Provide an attendant outside the permit-required confined space.~~

~~WAC 296-809-50020~~

~~Make sure entrants know the hazardous conditions and their duties.~~

~~WAC 296-809-50022~~

~~Implement procedures for ending entry.~~

~~WAC 296-809-50024~~

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Implement procedures for entry permits</u>	<u>WAC 296-809-50002</u>
<u>Use an entry permit that contains all required information</u>	<u>WAC 296-809-50004</u>
<u>Keep and review your entry permits</u>	<u>WAC 296-809-50006</u>
<u>Prevent unauthorized entry</u>	<u>WAC 296-809-50008</u>
<u>Provide, maintain and use proper equipment</u>	<u>WAC 296-809-50010</u>
<u>Evaluate and control hazards for safe entry</u>	<u>WAC 296-809-50012</u>
<u>Make sure you have adequate rescue and emergency services available</u>	<u>WAC 296-809-50014</u>
<u>Use nonentry rescue systems or methods whenever possible</u>	<u>WAC 296-809-50016</u>
<u>Make sure entry supervisors perform their responsibilities and duties</u>	<u>WAC 296-809-50018</u>
<u>Provide an attendant outside the permit-required confined space</u>	<u>WAC 296-809-50020</u>
<u>Make sure entrants know the hazardous conditions and their duties</u>	<u>WAC 296-809-50022</u>
<u>Implement procedures for ending entry</u>	<u>WAC 296-809-50024</u>

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-50002 Implement procedures for entry permits. ((You must**

**•)) (1) You must identify and evaluate, before employees enter, potential hazards from:**

((-) (a) The permit-required confined space; and

((-) (b) The work to be performed.

((•) (2) You must complete an entry permit before entry is authorized, documenting that you have completed the means, procedures and practices necessary for safe entry and work.

((•) (3) You must make sure that entrants or their representatives have an opportunity to observe any monitoring or testing, or any actions to eliminate or control hazards, performed to complete the permit.

((•) (4) You must identify the entry supervisor((-)) and make sure the entry supervisor signs the entry permit, authorizing entry, before the space is entered.

((•) (5) You must make the completed permit available to entrants or their authorized representatives at the time of entry. ((-) Do this by either posting the completed permit at the entry location, or by any other equally effective means.

((•) (6) You must make sure the duration of the permit does not exceed the time required to complete the assigned task or job identified on the permit.

((•) (7) You must note any problems encountered during an entry operation on the permit. Use the information to make appropriate revisions to your program, entry operations, means, systems, procedures and practices.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-50004 Use an entry permit that contains all required information. ((You must**

**•)) You must make sure your entry permit identifies all of the following that apply to your entry operation:**

((-) (1) The space to be entered.

((-) (2) Purpose of the entry.

((-) (3) Date and the authorized duration of the entry permit.

((-) (4) Hazards of the space to be entered.

((-) (5) Acceptable entry conditions.

((-) (6) Results of initial and periodic tests performed to evaluate and identify the hazards and conditions of the space, accompanied by the names or initials of the testers and by an indication of when the tests were performed.

((-) (7) Appropriate measures used before entry to isolate the space, and eliminate or control hazards. ((■)) Examples of appropriate measures include the lockout or tagging of equipment and procedures for purging, inerting, ventilating, and flushing permit-required confined spaces.

((-) (8) Names of entrants and current attendants((-

■)). Other means include the use of rosters or tracking systems as long as the attendant can determine quickly and accurately, for the duration of the permit, which entrants are inside the space.

((-) (9) The current entry supervisor.

((-) (10) A space for the signature or initials of the original supervisor authorizing entry.

((-) (11) Communication procedures for entrants and attendants to maintain contact during the entry.

((-) (12) Equipment provided for safe entry, such as:

((■) (a) Personal protective equipment (PPE).

((■) (b) Testing equipment.

- (■) (c) Communications equipment.
- (■) (d) Alarm systems.
- (■) (e) Rescue equipment.

(-) (13) Rescue and emergency services available, and how to contact them. Include equipment to use, and names and contact information.

(-) (14) Other information needed for safety in the particular confined space.

(-) (15) Additional permits issued for work in the space, such as for hot work.

**AMENDATORY SECTION** (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-50006 Keep and review your entry permits. (~~You must:~~**

•) (1) You must keep entry permits for at least one year.

(•) (2) You must keep entry permits or other atmospheric monitoring records that show the actual atmosphere an employee entered or worked in, as employee exposure records.

(•) (3) You must review your permit-required confined space entry program (~~as follows:~~

~~Conduct~~) by conducting a review when you have any reason to believe your entry program may not protect employees, and revise your program before allowing subsequent entries.

- Note:** Examples of circumstances requiring the review of your program include the following:
- (•) 1. There is unauthorized entry of a permit space.
  - (•) 2. A permit space hazard not covered by the permit is found.
  - (•) 3. A condition prohibited by the permit occurs.
  - (•) 4. An injury or near-miss occurs during entry.
  - (•) 5. There is a change in the use or configuration of a permit space.
  - (•) 6. An employee complains about the effectiveness of the program.

(~~You must:~~

-) (4) You must review canceled entry permits within one year following each entry to evaluate:

(■) (a) Your permit-required confined space program.

(■) (b) The protection provided to employees entering permit-required confined spaces.

(-) (5) You must update your written permit-required confined space entry program as necessary.

**Note:** Employers may perform a single annual review covering all entries performed during a twelve-month period. If no entry is performed during a twelve-month period, no review is necessary.

**Reference:** Keep employee exposure records according to chapter 296-62 WAC, Part B, Access to records.

**AMENDATORY SECTION** (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-50008 Prevent unauthorized entry. (~~You must:~~**

•) You must implement measures necessary to prevent unauthorized entry into permit-required confined spaces, when conducting authorized entry.

- Note:**
- (•) 1. When removing entrance covers to open the confined space, protect entrants and those outside the confined space from hazards.
  - (•) 2. Examples of measures to prevent unauthorized entry are signs, barricades, warning tape, and an attendant.

**AMENDATORY SECTION** (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-50010 Provide, maintain, and use proper equipment. (~~You must:~~**

•) (1) You must provide the equipment in Table 2, when needed and at no cost to employees.

(•) (2) You must make sure that employees use provided equipment properly.

(•) (3) You must maintain the provided equipment.

**Table 2  
Equipment Provided to Employees at No Cost**

Type of equipment	For
Testing and monitoring equipment	Evaluating permit-required confined space conditions
Ventilating equipment	Obtaining and maintaining acceptable entry conditions
Communication equipment	Effective communication between the attendant and the entrants and to initiate rescue when required
Personal protective equipment (PPE)	Protecting employees from hazards of the space or the work performed
Lighting equipment	Employees to see well enough to work safely and to exit the space quickly in an emergency
Barriers or shields, such as pedestrian, vehicle or other barriers	Protecting employees from hazards outside of the space
Ladders	Safe entry and exit by entrants
Rescue and emergency equipment, except for equipment provided by the rescue service provider	Safe and effective rescue
Any other equipment	Safe entry into and rescue from permit-required confined spaces

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-50012 Evaluate and control hazards for safe entry.** ((\*) (1) You must evaluate and control hazards for safe entry into permit-required confined spaces by doing all the following:

- ((-) (a) Test for atmospheric hazards, in this order:
  - ((\*) (i) Oxygen.
  - ((\*) (ii) Combustible gases and vapors.
  - ((\*) (iii) Toxic gases and vapors.
- ((-) (b) Provide each entrant or their authorized representative an opportunity to observe any of the following:
  - ((\*) (i) Preentry testing.
  - ((\*) (ii) Subsequent testing.
  - ((\*) (iii) Monitoring of permit-required spaces.
- ((-) (c) Reevaluate the permit-required space in the presence of any entrant, or their authorized representative, who requests this to be done because they have reason to believe that the evaluation of that space may not have been adequate.
- ((-) (d) Upon request, immediately provide each entrant or their authorized representative, with the results of any testing required by this rule.
- ((-) (e) Continuously monitor conditions in areas where entrants are working, when isolation of the space is not feasible.
- ((\*) (2) Examples would be a large space or space that is part of a continuous system, such as a sewer.
- ((\*) (3) You must evaluate space conditions during entry as follows:

**Table 3  
Evaluating Space Conditions**

<b>You must:</b>	<b>In order to</b>
Test conditions before entry	Determine that acceptable entry conditions exist before entry is authorized by the entry supervisor
Test or evaluate space conditions during entry	Determine that acceptable entry conditions are being maintained during entry operations
Evaluate entry operations	Make sure entrants of more than <del>((one))</del> 1 employer working at the same time in or around a permit-required confined space, do not endanger each other

**~~((IMPORTANT\*))~~ Important:**

This section applies to both:

- ((-) 1. Employers whose employees use permit entry procedures; and
- ((-) 2. Employers who provide rescue services.

AMENDATORY SECTION (Amending WSR 09-05-071, filed 2/17/09, effective 4/1/09)

**WAC 296-809-50014 Make sure you have adequate rescue and emergency services available.** ~~((You must:))~~ (1) You must make sure you have adequate rescue and emergency services available during your permit-required confined space entry operations.

((\*) (a) Evaluate and select rescue teams or services who can:

((-) (i) Respond to a rescue call in a timely manner. Timeliness is based on the identified hazards. Rescuers must have the capability to reach potential victims within an appropriate time frame based on the identified permit space hazards.

((-) (ii) Proficiently rescue employees from a permit-required confined space in your workplace. Rescuers must have the appropriate equipment for the type of rescue.

((\*) (b) Make sure that at least one member of the rescue team or service holds a current certification in first aid and cardiopulmonary resuscitation (CPR).

((\*) (c) Inform each rescue team or service about the hazards they may confront when called to perform rescue.

((\*) (d) Provide the rescue team or service with access to all permit spaces from which rescue may be necessary. ((-)) This will allow them to develop appropriate rescue plans and to practice rescue operations.

**Note:** What will be considered timely will vary according to the specific hazards involved in each entry. For example, chapter 296-842 WAC, Respirators, requires that employers provide a standby person or persons capable of immediate action to rescue employee(s) for work areas considered to contain an IDLH atmosphere.

(2) You must provide employees assigned to provide permit-required confined space rescue and emergency services ~~((must be provided))~~, at no cost to the employee, with:

((\*) (a) Personal protective equipment (PPE) needed for safe entry.

((\*) (b) Other equipment required to conduct rescues safely.

((\*) (c) Training so they are:

((-) (i) Proficient in the use of the PPE and other equipment.

((-) (ii) Proficient as an entrant of permit-required confined spaces.

((-) (iii) Able to safely perform assigned rescue and emergency duties.

((-) (iv) Knowledgeable in basic first aid and cardiopulmonary resuscitation (CPR).

((\*) (d) Practice sessions for permit-required confined space rescues **at least** once every twelve months where dummies, manikins, or actual persons are removed from either:

((-) (i) The actual permit spaces; or

((-) (ii) Representative permit spaces that simulate the opening size, configuration, and accessibility, of permit spaces where rescue will be performed.

(3) You must establish procedures for:

((\*) (a) Contacting rescue and emergency services.

((\*) (b) Rescuing entrants from permit-required confined spaces.

((\*) (c) Providing necessary emergency services to rescued entrants.

((\*) (d) Preventing unauthorized persons from attempting a rescue.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-50016 Use nonentry rescue systems or methods whenever possible.** (~~You must:~~

\*) (1) You must use nonentry retrieval systems or methods to rescue entrants in a permit-required confined space unless this:

(-) (a) Would increase the overall risk of injury to entrants; or

(-) (b) Would not contribute to the rescue of the entrant.

(\*) (2) You must make sure each entrant uses a chest or full-body harness, with a retrieval line attached to the harness at one of the following locations:

(-) (a) At the center of the employee's back, near shoulder level.

(-) (b) Above the employee's head.

(-) (c) At another point which presents a profile small enough for the successful removal of the employee.

(\*) (3) You must attach the retrieval line to a mechanical device or fixed point outside the space, so rescue can begin as soon as necessary.

(\*) (4) You must make sure a mechanical device is available to retrieve entrants from vertical spaces more than five feet (1.52 m) deep.

**Note:** When you can demonstrate that the use of a chest or full-body harness is not feasible or creates a greater hazard, then you may use wristlets or another method shown to be the safest and most effective alternative.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-50018 Make sure entry supervisors perform their responsibilities and duties.** (~~You must:~~

\*) You must make sure that an entry supervisor:

(-) (1) Authorizes the entry into a permit-required confined space by signing the entry permit.

(-) (2) Oversees entry operations.

(-) (3) Knows about the hazards that may be faced during entry, including the mode, signs or symptoms, and consequences of the exposure.

(-) (4) Verifies and checks **all** of the following:

(\*) (a) The appropriate entries have been made on the permit.

(\*) (b) All tests specified by the permit have been conducted.

(\*) (c) All procedures and equipment specified by the permit are in place before approving the permit and allowing entry to the space.

(-) (5) Terminates the entry and cancels the permit when:

(\*) (a) The assigned task or job has been completed.

(\*) (b) A condition in the space that is not covered by the entry permit is discovered.

(-) (6) Verifies that rescue services are available and that there is a way to contact them.

(-) (7) Removes unauthorized individuals who enter or attempt to enter the permit-required confined space during entry operations.

(-) (8) Determines that entry operations remain consistent with the terms of the entry permit and acceptable entry conditions are maintained:

(\*) (a) Whenever responsibility for a permit-required space entry operation is transferred; and

(\*) (b) At regular intervals dictated by the hazards and operations performed within the space.

**Note:** (\*) 1. Make sure entry supervisors have the required knowledge and proficiency to perform the job duties and responsibilities required by this chapter.

(\*) 2. The entry supervisor may also perform other duties under this chapter, such as attendant or entrant, if they are trained and proficient in those duties.

(\*) 3. The responsibility of the entry supervisor may be passed from one supervisor to another during an entry operation.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-50020 Provide an attendant outside the permit-required confined space.**

(~~IMPORTANT:~~

\*) **Important:**

1. The number of attendants assigned should be tailored to the requirements of the space and the work performed.

(\*) 2. You need to assess if it is appropriate or possible to have multiple permit spaces monitored by a single attendant, or have an attendant stationed at a location outside each space. Video cameras and radios are examples of tools that may assist an attendant monitoring more than one space.

(\*) 3. Attendants may be stationed at any location outside the permit-required confined space if the duties described in this section can be effectively performed for each space that is monitored.

(~~You must:~~

\*) (1) You must provide at least one attendant outside the permit-required confined space during entry operations.

(\*) (2) You must make sure each permit-required confined space attendant:

(-) (a) Understands the hazards that may be faced during entry, including the mode, signs or symptoms, and results of exposure to the hazards.

(-) (b) Is aware of the behavioral effects of exposure to the hazard.

(-) (c) Continuously maintains an accurate count of entrants in the space.

(-) (d) Maintains an accurate record of who is in the permit-required confined space.

(-) (e) Communicates with entrants as necessary to monitor their status or alert them of the need to evacuate the space.

(-) (f) Monitors activities inside and outside the space to determine if it is safe for entrants to remain in the space.

(-) (g) Orders entrants to evacuate the space immediately if **any** of the following conditions occur:

(\*) (i) A prohibited condition.

(\*) (ii) The behavioral effects of hazardous exposure in an entrant.

(\*) (iii) A situation outside the space that could endanger entrants.

((■)) (iv) The attendant cannot effectively and safely perform all the duties required in this chapter.

((-) (h) Takes the following actions when unauthorized persons approach or enter a space:

((■)) (i) Warn unauthorized persons to stay away from the space.

((■)) (ii) Tells the unauthorized persons to exit immediately if they have entered the space.

((■)) (iii) Informs entrants and the entry supervisor if unauthorized persons have entered the space.

((-) (i) Performs nonentry rescues as specified by your rescue procedure.

((-) (j) Has the means to respond to an emergency affecting one or more of the permit spaces being monitored without preventing performance of the attendant's duties to the other spaces being monitored.

((-) (k) Carries out no duties that might interfere with their primary duty to monitor and protect the entrants.

((-) (l) Calls for rescue and other emergency services as soon as entrants may need assistance to escape from the space.

((-) (m) Monitors entry operations until relieved by another attendant or all entrants are out of the space.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-50022 Make sure entrants know the hazardous conditions and their duties. ((You must:**

•) You must make sure that all entrants:

((-) (1) Know the hazards they may face during entry, including the mode, signs or symptoms, and results of exposure to the hazards.

((-) (2) Use equipment properly.

((-) (3) Communicate with the attendant as necessary so the attendant can:

((■)) (a) Monitor entrant status.

((■)) (b) Alert entrants of the need to evacuate.

((-) (4) Alert the attendant whenever either of these situations exist:

((■)) (a) A warning sign or symptom of exposure to a dangerous situation such as, behavioral changes, euphoria, giddiness potentially from lack of oxygen or exposure to solvents.

((■)) (b) A prohibited condition.

((-) (5) Exit from the permit-required confined space as quickly as possible when one of the following occurs:

((■)) (a) The attendant or entry supervisor gives an order to evacuate.

((■)) (b) The entrant recognizes any warning sign or symptom of exposure to a dangerous situation.

((■)) (c) The entrant detects a prohibited condition.

((■)) (d) An evacuation alarm is activated.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-50024 Implement procedures for ending entry. ((You must:**

•) You must make sure you terminate the entry when entry operations are completed, including securing an entrance cover and canceling the permit.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-600 Alternat entry procedures.**

**Summary((•))**

**Your responsibility:**

**To choose alternate entry procedures for spaces where the only hazard is a hazardous atmosphere.**

~~((IMPORTANT:))~~ **Important:**

In addition to this section, you also need to meet the requirements in the following sections of this chapter:

((-) 1. WAC 296-809-200, Identifying and controlling permit-required confined spaces.

((-) 2. WAC 296-809-300, Permit-required confined space program.

((-) 3. WAC 296-809-400, Employee training.

~~((You must:~~

~~Make sure the following conditions are met if using alternate entry procedures.~~

~~**WAC 296-809-60002**~~

~~Follow these alternate entry procedures for permit-required confined spaces.~~

~~**WAC 296-809-60004))**~~

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Make sure the following conditions are met if using alternate entry procedures</u>	<u>WAC 296-809-60002</u>
<u>Follow these alternate entry procedures for permit-required confined spaces</u>	<u>WAC 296-809-60004</u>

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-60002 Make sure the following conditions are met if using alternate entry procedures. ((You must:**

•) (1) You must make sure, when using alternate entry procedures, instead of permit entry procedures, that you have monitoring and inspection data that supports the following:

((■)) (a) That the only hazard of the permit-required confined space is an actual or potentially hazardous atmosphere.

((■)) (b) That continuous forced air ventilation alone is all that is needed to maintain the permit-required confined space for safe entry.

((•) (2) You must make sure an entry to obtain monitoring and inspection data or to eliminate hazards is performed according to WAC 296-809-500, Permit entry procedures.

((•) (3) You must make sure all documentation produced is available to each affected employee and their authorized representative.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-60004 Follow these alternate entry procedures for permit-required confined spaces. (~~You must:~~**

•) You must use the following alternate entry procedures:

((-)) (1) Eliminate any unsafe conditions before removing an entrance cover.

((■)) (a) When entrance covers are removed, promptly guard the opening with a railing, temporary cover, or other temporary barrier to prevent accidental falls through the opening and protect entrants from objects falling into the space.

((■)) (b) Certify that preentry measures have been taken (such as safe removal of the cover and having protection needed to gather preentry data), with the date, location of the space, and signature of the person certifying.

((■)) (c) Make the preentry certification available before entry to each entrant.

((-)) (2) Before an employee enters the confined space, test the internal atmosphere with a calibrated, direct-reading instrument for all of the following, in this order:

((■)) (a) Oxygen content.

((■)) (b) Flammable gases and vapors.

((■)) (c) Potential toxic air contaminants.

((-)) (3) Provide entrants, or their authorized representatives, with an opportunity to observe the preentry and periodic testing.

((-)) (4) Make sure the atmosphere within the space is not hazardous when entrants are present.

((-)) (5) Use continuous forced air ventilation, as follows:

((■)) (a) Wait until the forced air ventilation has removed any hazardous atmosphere before allowing entrants into the space.

((■)) (b) Direct forced air ventilation toward the immediate areas where employees are, or will be, and continue ventilation until all employees have left the space.

((■)) (c) Provide the air supply from a clean source and make sure it does not increase hazards in the space.

((-)) (6) Test the atmosphere within the space as needed to make sure hazards do not accumulate.

((-)) (7) If a hazardous atmosphere is detected during entry, do all of the following:

((■)) (a) Evacuate employees from the space immediately.

((■)) (b) Evaluate the space to determine how the hazardous atmosphere developed.

((■)) (c) Implement measures to protect employees from the hazardous atmosphere before continuing the entry operation.

((■)) (d) Verify the space is safe for entry before continuing the entry operation.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-700 Nonpermit confined spaces requirements.**

**Summary(★)**

**Your responsibility:**

To make sure any space you classify as nonpermit, does not have the potential to contain serious health or safety hazards.

~~((You must:~~

~~Follow these requirements when classifying a confined space as a nonpermit confined space.~~

~~**WAC 296-809-70002**~~

~~Reevaluate nonpermit confined spaces if hazards develop.~~

~~**WAC 296-809-70004**~~

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Follow these requirements when classifying a confined space as a nonpermit confined space</u>	<u>WAC 296-809-70002</u>
<u>Reevaluate nonpermit confined spaces if hazards develop</u>	<u>WAC 296-809-70004</u>

~~((IMPORTANT:))~~ **Important:**

A confined space may be classified as a nonpermit confined space for as long as the hazards remain eliminated. Once a hazard is present, you must follow all requirements of this chapter that apply.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-809-70002 Follow these requirements when classifying a confined space as a nonpermit confined space. (~~You must:~~**

•) (1) You must make sure the confined space meets these conditions to be classified as nonpermit confined spaces:

((-)) (a) The confined space does not contain an actual or potential hazardous atmosphere.

((-)) (b) The confined space does not contain hazards capable of causing death or serious physical harm. This includes any recognized health or safety hazards including engulfment in solid or liquid material, electrical shock, or moving parts.

((-)) (c) If you must enter to remove hazards, the space must be treated as a permit-required confined space until hazards have been eliminated.

**Note:**

(★) 1. Controlling atmospheric hazards through forced air ventilation does not eliminate the hazards.

(★) 2. You should evaluate the use of lockout-tagout, as covered in chapter 296-803 WAC, to determine if using it fully eliminates the hazard.

(★) 3. You are allowed to use alternate entry procedures covered in WAC 296-809-600, if you can demonstrate that forced air ventilation alone will control all hazards in the space.

~~((You must:~~

•) (2) You must document how you determined the confined space contained no permit-required confined space hazards. Certify this documentation with the following:

((-) (a) Date.

((-) (b) Location of the space.

((-) (c) Signature of the person making the determination.

((\*) (3) You must make the certification available to each entrant, or their authorized representative.

**Note:** This certification must be completed every time a permit-required confined space is reclassified as a nonpermit space.

**AMENDATORY SECTION** (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

**WAC 296-809-70004 Reevaluate nonpermit confined spaces if hazards develop.** (~~You must:~~

\*) (1) You must reclassify a nonpermit confined space to a permit-required confined space, if necessary, when changes in the use or configuration of the space increase the hazards to entrants.

((\*) (2) You must make sure all employees exit the space if hazards develop. You must then reevaluate the space and determine whether it must be reclassified as a permit-required confined space.

#### **REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 296-809-800 Definitions.

#### **NEW SECTION**

**WAC 296-828-099 Definitions. Action level.** An airborne concentration of a hazardous substance that is calculated as an 8-hour time-weighted average, and initiates certain requirements to be followed such as exposure monitoring or medical surveillance.

**Carcinogens.** See "Select carcinogen."

**Chemical hygiene officer.** An employee designated by the employer who is qualified by training or experience to provide technical guidance in the development and implementation of the chemical hygiene plan. This definition is not intended to place limitations on the designated employee's position description or job classification within the employer's organization.

**Chemical hygiene plan.** A written program developed and implemented by the employer that establishes procedures, equipment, personal protective equipment, and work practices to protect employees from the health hazards of the chemicals used in the laboratory.

**Container.** Any container, except for pipes or piping systems that contains a hazardous substance. For example, it can be any of the following:

- (a) Barrel.
- (b) Bottle.
- (c) Can.
- (d) Cylinder.
- (e) Drum.
- (f) Reaction vessel.
- (g) Storage tank.

**Day.** Any part of a calendar day.

**Designated representative.** Any one of the following:

(a) Any individual or organization to which an employee gives written authorization.

(b) A recognized or certified collective bargaining agent without regard to written employee authorization.

(c) The legal representative of a deceased or legally incapacitated employee.

**Emergency.** Any event that could or does result in the unexpected, significant release of a hazardous substance. Examples of emergencies include equipment failure, container rupture, or control equipment failure.

**Exposure.** The contact an employee has with a hazardous substance, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry such as inhalation, ingestion, skin contact, or skin absorption.

**Hazardous chemical.** Any chemical which is classified as health hazard or simple asphyxiate in accordance with the Hazard Communication Standard, WAC 296-901-140.

**Health hazard.** A chemical that is classified as posing one of the following hazardous effects: Explosive; flammable (gases, aerosols, liquids, or solids); oxidizer (liquid, solid, or gas); self-reactive; pyrophoric (gas, liquid, or solid); self-heating; organic peroxide; corrosive to metal; gas under pressure; in contact with water emits flammable gas; or combustible dust. The criteria for determining whether a chemical is classified as a physical hazard are in Appendix B of the Hazard Communication Standard, WAC 296-901-14024 and 296-901-14006 (definitions of "combustible dust" and "pyrophoric gas").

**Laboratory.** A facility where the "laboratory use of hazardous substances" takes place. A workplace where relatively small amounts of hazardous substances are used on a nonproduction basis.

**Laboratory-type hood.** A device located in a laboratory, enclosure on five sides with a moveable sash or fixed partially enclosed on the remaining side; constructed and maintained to draw air from the laboratory and to prevent or minimize the escape of air contaminants into the laboratory; and allows chemical manipulations to be conducted in the enclosure without insertion of any portion of the employee's body other than hands and arms.

**Note:** Walk-in hoods with adjustable sashes meet the above definition provided that the sashes are adjusted during use so that the airflow and the exhaust of air contaminants are not compromised and employees do not work inside the enclosure during the release of airborne hazardous substances.

**Laboratory scale.** Work with substances in which the containers used for reactions, transfers, and other handling of the substances are designed to be easily and safely manipulated by one person. "Laboratory scale" **does not** include workplaces producing commercial quantities of materials.

**Laboratory use.** The handling or use of hazardous substances that includes **all** the following:

(a) Chemical manipulations conducted on a "laboratory scale";

(b) Multiple chemical procedures or chemicals are used;

(c) The procedures are not part of a production process, nor in any way simulate a production process; and

(d) "Protective laboratory practices and equipment" are available and are commonly used to minimize the potential for employee exposures to hazardous substances.

**Licensed health care professional (LHCP).** An individual whose legally permitted scope of practice allows him or her to provide some or all of the health care services required for medical evaluations.

**Mutagen.** Chemicals that cause permanent changes in the amount or structure of the genetic material in a cell. Chemicals classified as mutagens in accordance with the Hazard Communication Standard, WAC 296-901-140 must be considered mutagens for purposes of this section.

**Permissible exposure limits (PELs).** PELs are employee exposures to toxic substances or harmful physical agents that must not be exceeded. PELs are also specified in WISHA rules found in other chapters.

**Physical hazard.** A chemical that is classified as posing one of the following hazardous effects: Explosive; flammable (gases, aerosols, liquids, or solids); oxidizer (liquid, solid, or gas); self-reactive; pyrophoric (gas, liquid, or solid); self-heating; organic peroxide; corrosive to metal; gas under pressure; in contact with water emits flammable gas; or combustible dust. The criteria for determining whether a chemical is classified as a physical hazard are in Appendix B of the Hazard Communication Standard, WAC 296-901-14024 and 296-901-14006 (definitions of "combustible dust" and "pyrophoric gas").

**Protective laboratory practices and equipment.** Laboratory procedures, practices, and equipment accepted by laboratory health and safety experts as effective, that can be shown to be effective, in minimizing the potential for employee exposure to hazardous substances.

**Reproductive toxin.** Chemicals that affect the reproductive capabilities including adverse effects on sexual function and fertility in adult males and females, as well as adverse effects on the development of the offspring. Chemicals classified as reproductive toxins in accordance with the Hazard Communication Standard, WAC 296-901-140 shall be considered reproductive toxins for purposes of this section.

**Safety data sheet (SDS).** Written, printed, or electronic information (on paper, microfiche, or on-screen) that informs manufacturers, distributors, employers or employees about a hazardous substance, its hazards, and protective measures as required by safety data sheet and label preparation, WAC 296-901-14012 and 296-901-14014.

**Select carcinogen.** Any substance meeting one of the following criteria:

- (a) Regulated by WISHA as a carcinogen.
- (b) Listed in the "known to be carcinogens" category in the latest edition of the *Annual Report on Carcinogens* by the National Toxicity Program (NTP).
- (c) Listed in Group I (carcinogenic to humans) in the latest editions of the International Agency for Research on Cancer (IARC) Monographs.
- (d) Listed in either group 2A or 2B by IARC **or** in the category "reasonably anticipated to be carcinogens" by the NTP, and causes statistically significant tumor incidence in experimental animals in accordance with any of the following criteria:

(i) After an inhalation exposure of six to seven hours a day; five days a week; for a significant portion of a lifetime to dosages of less than 10 mg/m<sup>3</sup>; **or**

(ii) After repeated skin application of less than 300 mg/kg of body weight per week; **or**

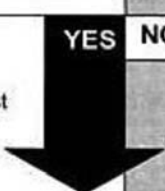
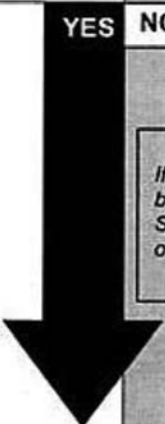
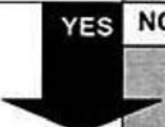

(iii) After oral dosages of less than 50 mg/kg of body weight per day.

**Time-weighted average (TWA<sub>8</sub>).** An exposure limit averaged over an 8-hour period that must not be exceeded during an employee's workday.

**AMENDATORY SECTION** (Amending WSR 14-07-086, filed 3/18/14, effective 5/1/14)

**WAC 296-828-100 Scope.** This chapter applies to the laboratory use of hazardous chemicals. To determine if this chapter applies to your workplace, use Table 1.



Table 1 Chapter Application	
<p>Are "Hazardous Chemicals" used?</p> <p><b>Definition:</b> Hazardous chemicals are any chemicals that have been shown (in at least one scientific study) to cause acute or chronic health effects in exposed employees. 296-901 WAC contains information that can be used to determine if a chemical is considered hazardous for this rule</p>	<p>YES NO</p> 
<p>Are the hazardous chemicals used in "laboratory scale operations"?</p> <p><b>Note:</b> Laboratory scale operations use containers that have been designed to be easily and safely handled by one person for reactions, transfers and other handling of the hazardous chemicals.</p> <p>Laboratory scale operations are not</p> <ul style="list-style-type: none"> <li>Capable of producing commercial quantities of materials</li> <li>Part of a production process or simulate a production process</li> <li>Part of a quality control process that directs how a process operates.</li> <li>A simulation of a production process such as a pilot plant</li> </ul>	<p>YES NO</p> 
<p>Are multiple chemicals or multiple procedures used?</p>	<p>YES NO</p> 
<p>Are protective practices or protective equipment generally available for employee protection?</p> <p><b>Note:</b> Protective practices and equipment are those procedures, practices, or equipment accepted by laboratory health and safety experts as effective at controlling employee exposures to hazardous chemicals. For example laboratory fume hoods, chemical splash goggles, protective gloves, etc. OR Those practices, procedures or equipment the employer can show are effective at controlling employee exposures to hazardous chemicals.</p>	<p>YES NO</p> 
<p>If your answers brought you here, the Laboratory Standard <b>applies</b> to your workplace.</p>	

If any one of your answers brought you here, the Laboratory Standard does not apply, but other WISHA rules still apply

~~((IMPORTANT:~~

**•)) Important:**

1. When your laboratory operation is covered by this chapter, and you use any of the substances in Table 2, the following applies with the exception of formaldehyde use in histology, pathology, and anatomy laboratories. In histology, pathology, and anatomy laboratories you must follow the requirements in chapter 296-856 WAC, Formaldehyde. This chapter applies to all other formaldehyde laboratory uses as defined in Table 1:

~~((-~~ a. The exposure limits and any requirement protecting employees from skin and eye contact in the rules listed in Table 2 will still apply.

~~((-~~ b. Where the action level (or where no action level exists, the permissible exposure limit) is exceeded for a substance listed in Table 2, the exposure evaluation and medical surveillance requirements in the substance rule will still apply.

~~((-~~ c. You are not required to meet other requirements of the substance rule.

~~((-~~ 2. To get the permissible exposure limits (PELs) for hazardous chemicals used in your laboratory, see chapter 296-841 WAC, Airborne contaminants.

**Table 2**  
**WISHA Regulated Hazardous Chemicals**

Acrylonitrile
Arsenic (inorganic)
Asbestos
Benzene
Butadiene
Cadmium
Coke ovens
Cotton dust
1, 2-Dibromo-3-chloropropane
Ethylene oxide
Formaldehyde
Lead
Methylene chloride
Methylenedianiline
Vinyl chloride
Ionizing radiation
4-Nitrobiphenyl
Alpha-Naphthylamine
4,4' Methylene bis (2 - chloroaniline)
Methyl chloromethyl ether
3,3'-Dichlorobenzidine (and its salts)
<u>Acrylonitrile</u>
Bis-Chloromethyl ether
Beta-Naphthylamine benzidine
4-Aminodiphenyl
Ethyleneimine
Beta-Propiolactone
2-Acetylaminofluorene
4-Dimethylaminoazobenzene
N-Nitrosodimethylamine

Labeling and safety data sheets (SDSs):  
WAC 296-828-20025  
Chemicals produced in laboratories:  
WAC 296-828-20030  
Medical evaluations:))

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Chemical hygiene plan</u>	<u>WAC 296-828-20005</u>
<u>Exposure evaluation</u>	<u>WAC 296-828-20010</u>
<u>Training</u>	<u>WAC 296-828-20015</u>
<u>Labeling and safety data sheets (SDSs)</u>	<u>WAC 296-828-20020</u>
<u>Chemicals produced in laboratories</u>	<u>WAC 296-828-20025</u>
<u>Medical evaluations</u>	<u>WAC 296-828-20030</u>

AMENDATORY SECTION (Amending WSR 07-05-062, filed 2/20/07, effective 4/1/07)

**WAC 296-828-20005 Chemical hygiene plan. (~~You must:~~**

**•)) (1) You must** develop and carry out a written chemical hygiene plan (CHP) that will protect your employees from hazardous substances in the laboratory and keep exposure levels below those listed in chapter 296-841 WAC, Airborne contaminants.

**((•)) (2) You must** make sure the written plan is readily available to employees and their representatives.

**((•)) (3) You must** include the following elements in your written CHP:

**((-) (a))** The names or job titles of the chemical hygiene officer, other personnel responsible for implementing the CHP, or when appropriate, the members of a chemical hygiene committee.

**((-) (b))** Standard operating procedures that provide employee protection when working with hazardous substances.

**((-) (c))** Criteria for how you will select and use control measures to reduce employee exposures to hazardous chemicals, especially chemicals known to be extremely hazardous.

**((-) (d))** Additional employee protection for select carcinogens, reproductive toxins, and chemicals with high degree of acute toxicity. The following will be considered, when appropriate:

**((•)) (i))** The establishment of exposure control areas.

**((•)) (ii))** Containment devices, such as fume hoods or glove boxes.

**((•)) (iii))** The safe removal of contaminated waste.

**((•)) (iv))** Procedures for decontamination.

**((-) (e))** Specific measures to make sure fume hoods and other protective equipment provide proper and adequate performance and are properly functioning.

**((-) (f))** The circumstances when specific laboratory operation, activity, or procedure requires prior approval from the employer or their designated representative before implementation.

AMENDATORY SECTION (Amending WSR 14-07-086, filed 3/18/14, effective 5/1/14)

**WAC 296-828-200 Using hazardous chemicals in laboratories.**

**Summary**

**Your responsibility:**

To protect employees from laboratory use of hazardous chemicals.

~~((WAC 296-828-20005~~

~~Chemical hygiene plan:~~

~~WAC 296-828-20010~~

~~Exposure evaluation:~~

~~WAC 296-828-20015~~

~~Training:~~

~~WAC 296-828-20020~~

((-) (g) A description of how you are going to train and inform your employees about laboratory use of hazardous chemicals.

((-) (h) A description of your provisions for medical consultations and medical examinations.

((\*) (4) You must review and evaluate the effectiveness of your written CHP at least annually and update as necessary.

**Reference:** This publication can provide you with additional information to help you with your written chemical hygiene plan:  
National Research Council, Prudent Practices for Disposal of Chemicals from Laboratories, National Academy Press, Washington, D.C., 1995.

**AMENDATORY SECTION** (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-828-20010 Exposure evaluation.**

((~~IMPORTANT~~) **Important:**

For any of the specific substances listed in Table 2 of the scope of this chapter, you need to follow the exposure evaluation procedures found in the chapters regulating those substances if employee exposure routinely exceeds the AL or PEL. For all other employee exposures follow this section to determine exposure evaluation procedures.

((~~You must:~~

\*) (1) You must determine if you could have a respiratory hazard as described in chapter 296-841 WAC, Respiratory hazards.

**Reference:** For additional requirements relating to respiratory hazards, see:

- ((-) 1. Chapter 296-841 WAC, Respiratory hazards.
- ((-) 2. Chapter 296-842 WAC, Respirators.
- ((-) 3. The specific rule for your chemical.

((~~You must:~~

\*) (2) You must provide written notification of exposure monitoring results to employees represented by your exposure evaluation, within five business days after the results become known to you.

**Note:** ((\*) 1. You can notify employees either individually or by posting the notification in areas readily accessible to all affected employees.  
((\*) 2. Posted notifications may need information that allows affected employees to determine which monitoring results apply to them.  
((\*) 3. Notification may be:  
((-) a. In any written form, such as hand-written or e-mail.  
((-) b. Limited to the required information, such as exposure monitoring results.

**Reference:** ((\*) For additional requirements relating to employee exposure records, go to chapter 296-802 WAC, Employee medical and exposure records.

**AMENDATORY SECTION** (Amending WSR 14-07-086, filed 3/18/14, effective 5/1/14)

**WAC 296-828-20015 Training.** ((~~You must:~~

\*) (1) You must inform employees about the presence of hazardous chemicals at the following times:

((-) (a) At the time of initial assignment to a work area where hazardous chemicals are present.

((-) (b) Prior to situations involving a new exposure to hazardous chemicals.

((\*) (2) You must train employees on all of the following:

((-) (a) Methods and observations for detecting the presence or release of hazardous substances. Examples of these methods and observations may include:

- ((\*) (i) Monitoring conducted by you.
- ((\*) (ii) Continuous monitoring devices.
- ((\*) (iii) Visual appearance or odor of hazardous chemicals when being released.

((-) (b) The physical and health hazards of chemicals in the work area.

((-) (c) The procedures and measures employees can use to protect themselves from hazardous substances. Examples of these include:

- ((\*) (i) Appropriate work practices.
- ((\*) (ii) Emergency procedures.
- ((\*) (iii) Personal protective equipment.

((\*) (3) You must provide refresher training to fit your needs.

((\*) (4) You must provide information to employees on all of the following:

((-) (a) The contents of this chapter and where to find a copy.

((-) (b) Permissible exposure limits found in chapter 296-841 WAC, Respiratory hazards.

((-) (c) Any recommended exposure levels for compounds without an exposure limit in the WISHA rules. Examples include:

((\*) (i) The PELs found in the National Institute for Occupational Safety and Health (NIOSH) NIOSH Pocket Guide to Chemical Hazards 2004; or

((\*) (ii) The American Conference of Governmental Industrial Hygienists (ACGIH®) Documentation of the Threshold Limit Values (TLVs) and Biological Exposure Indices (BEIs), 7th Ed.

((-) (d) Signs and symptoms associated with exposures to hazardous chemicals used in the laboratory.

((-) (e) Where to find a copy of:

- ((\*) (i) Your chemical hygiene plan.
- ((\*) (ii) Safety data sheets (SDSs), including those received from the chemical suppliers.

((\*) (iii) Reference material on the hazards, safe handling, storage, and disposal of hazardous chemicals found in the laboratory.

**AMENDATORY SECTION** (Amending WSR 14-07-086, filed 3/18/14, effective 5/1/14)

**WAC 296-828-20020 Labeling and safety data sheets (SDSs).** ((~~You must:~~

\*) (1) You must make sure labels on incoming containers are not removed or defaced.

((\*) (2) You must keep and make available to employees any SDS received with an incoming container of hazardous chemicals.

AMENDATORY SECTION (Amending WSR 14-07-086, filed 3/18/14, effective 5/1/14)

**WAC 296-828-20025 Chemicals produced in laboratories.** (~~You must:~~) You must follow Table 3 for chemical substances produced in your laboratory.

**Table 3  
Lab Produced Chemical Substance Requirements**

If	Then
The chemical is a hazardous chemical	Follow all appropriate requirements of this chapter
A chemical by-product is produced and its composition is unknown	Assume it is a hazardous chemical ( <del>(AND)</del> ); <u>and</u> Follow your chemical hygiene plan to protect employees
You produce chemicals in your laboratory for users outside the laboratory	Follow WAC 296-901-14014, Safety data sheets and WAC 296-901-14012, Labels and other forms of warning

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-828-20030 Medical evaluations.**

(~~IMPORTANT:~~) **Important:**

For any of the specific substances listed in Table 2 of the scope of this chapter, you need to follow the medical evaluation procedures found in the chapters regulating those substances if employee exposure routinely exceeds the AL or PEL. For all other employee exposures follow this section to determine medical evaluation procedures.

(~~You must:~~)

(1) You must make medical evaluations available when:

(\*) (a) An employee develops signs or symptoms associated with a hazardous substance from laboratory exposure.

(\*) (b) Any emergency situation that could cause a hazardous exposure, such as a spill, leak, or explosion, occurs.

(\*) (c) A medical provider recommends a follow-up evaluation.

(\*) (d) Exposure monitoring for any of the substances found in Table 2 reveals exposures routinely over the action level (AL) or in the absence of an AL the permissible exposure level (PEL).

(2) You must make sure medical evaluations are provided at reasonable times and places, and at no cost to employees.

**Note:** This includes travel costs and wages associated with any time spent obtaining the medical evaluation.

(~~You must:~~)

(\*) (3) You must provide the LHCP the following information before the medical evaluation is performed:

(-) (a) The name of the hazardous chemicals the employee may have been exposed to.

(-) (b) Any signs or symptoms of exposure the employee has.

(-) (c) A description of the conditions under which the exposure occurred.

(-) (d) The exposure monitoring results for the conditions, if available.

(\*) (4) You must obtain the LHCP's written opinion for each medical evaluation that includes the following:

(-) (a) Recommendations for medical follow-up.

(-) (b) Any medical conditions found that would increase the employee's risk for impairment from exposure to a hazardous chemical.

(-) (c) A statement that the employee has been informed of exposure-related medical results and conditions that require further examination or treatment.

(-) (d) A written opinion that does not contain any medical information unrelated to the employee's occupational exposures. (\*\*) If the written opinion contains any medical information unrelated to occupational exposures, return it to the LHCP and obtain a revised version without the additional medical information.

**Reference:** (\*\*) For additional requirements relating to employee medical records, go to chapter 296-802 WAC, Employee medical and exposure records.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-828-300 Definitions.

NEW SECTION

**WAC 296-860-099 Definitions.** The following definitions apply to this chapter:

**Car width.** Twice the distance from the centerline of a railroad car to its extreme outside part.

**Common carrier.** All railroads, railroad companies, street railroads, street railroad companies, corporations, partnerships, persons, cities or towns that own, operate, manage, or control any public use enterprise within Washington state that transports people or property for hire.

**Department.** The Washington state department of labor and industries.

**Emergency.** Any unforeseen occurrence that endangers life, limb, or property.

**Icing platforms.** Structures used to ice, precool, heat, ventilate or service private railroad cars that handle commodities requiring these services.

**Over-crossing.** Any point or place where a highway, road, or ramp carrying vehicular traffic crosses a private rail yard or track by passing above it.

**Overhead clearance.** The perpendicular distance between the top of the highest rail and the lowest point of an overhead structure or obstruction.

**Private rail operation.** A nonrailroad company operating railroad facilities, structures, tracks and equipment in the company's yard or plant. Chapter 296-860 WAC applies to:

(a) Any equipment, facility or structure owned or operated by the company; and

(b) The construction and reconstruction of tracks or structures adjacent to any facility or structure owned or operated by the company.

**Railroad.** Every public use railroad, other than street railroads, operated to transport people or property for hire. This definition also includes all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations, and terminal facilities of every kind that are used, operated, controlled, or owned by or in connection with any such public use railroad.

**Side clearance.** The shortest distance between the centerline of a track and a structure or other track side obstructions such as downspouts, ladders, equipment, piles of material or inventory, etc.

**Track clearance.** The shortest distance between the centerlines of adjacent railroad tracks.

**Walkways.** Pathways located alongside or in the vicinity of a railroad track, or on a trestle or bridge, providing space so a private railroad employee can perform duties associated with the track, trestle, or bridge.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-860-100 Scope.**

~~((IMPORTANT))~~ **Important:**

This chapter applies to all railroad clearances and walkways in rail yards and plants including logging railroad yards such as mill yards, maintenance yards and sorting yards. If you are uncertain about which WISHA requirements to follow, you must comply with those that best protect employees' safety and health. Contact your local L&I office if you need assistance in making this decision.

~~((Exemptions))~~ **EXEMPTIONS:**

(\*) These exemptions apply to chapter 296-860 WAC, Railroad clearances and walkways in private rail yards and plants, and do not require a department variance:

(-) 1. You may move the following equipment, using less than the minimum standard clearances, if the situation is unavoidable and you have taken all reasonable steps to protect your employees:

(\*) a. Track construction or maintenance materials.

(\*) b. Special work equipment used for railroad construction, maintenance or operations.

(\*) c. Any railroad equipment during emergencies.

(-) 2. You may have overhead or side clearances less than the minimum standard clearances required in this chapter if they were legally created before April 3, 1961.

~~((Note: If a building, structure, or facility constructed before April 3, 1961, is relocated or reconstructed, the clearance requirements in this chapter apply unless the department grants a variance.))~~

(-) 3. Tracks built before April 3, 1961:

(\*) a. May be extended according to the legal track clearance requirements in effect when they were originally constructed.

(\*) b. Are exempt from the track clearance requirements in WAC 296-860-20060, Table 5.

(-) 4. Chapter 296-54 WAC, Safety standards—Logging operations, regulates all logging railroads or any rail operations related to logging, except for yard clearances.

Note: If a building, structure, or facility constructed before April 3, 1961, is relocated or reconstructed, the clearance requirements in this chapter apply unless the department grants a variance.

**Other rules that may apply to your workplace:**

(1) The ~~((WISHA))~~ DOSH Safety & Health Core Rules book, chapter 296-800 WAC, contains the basic requirements that apply to employers in Washington. It also contains:

(\*) (a) An introduction that lists important information you should know, including a section on building, fire and electrical codes.

(\*) (b) A resource section that includes a complete list of all ~~((WISHA))~~ DOSH rules.

(2) Other ~~((WISHA))~~ DOSH rules may apply to you, depending upon the activities and operations of your workplace. Contact your local L&I office if you are uncertain about which ~~((WISHA))~~ DOSH requirements pertain to you.

(\*) (3) To access the Safety & Health Core Rules book online:

~~((http://www.lni.wa.gov/wisha/corerules/default.htm))~~  
http://www.lni.wa.gov/safety/rules/chapter/800/default.asp

(\*) (4) For a CD or paper copy contact us:

Labor and Industries

P.O. Box 44620

Olympia, WA 98504-4620

Telephone: 1-800-4be-safe (1-800-423-7233)

AMENDATORY SECTION (Amending WSR 02-17-106, filed 8/21/02, effective 10/1/02)

**WAC 296-860-200 Maintain safe clearances and walkways.**

~~((SUMMARY))~~ **Summary**

**Your responsibility:**

To prevent injuries and fatalities to employees by maintaining safe railroad clearances and walkways in your rail yards and plants.

~~((You must:~~

~~Post warning signs and train employees about clearances approved before April 3, 1961~~

~~WAC 296-860-20010~~

~~Construct and maintain rail yard walkways for employee safety~~

~~WAC 296-860-20020~~

~~Install radiation detectors according to manufacturer's specifications~~

~~WAC 296-860-20030~~

~~Maintain overhead clearances~~

~~WAC 296-860-20040~~

~~Maintain side clearances~~

~~WAC 296-860-20050~~

~~Maintain clearances between tracks~~

~~WAC 296-860-20060~~

~~Move excessive height and/or width rail car loads with care~~

~~WAC 296-860-20070~~

~~Conduct narrow gauge rail operations according to the requirements of this section~~

~~WAC 296-860-20080.))~~

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Post warning signs and train employees about clearances approved before April 3, 1961</u>	<u>WAC 296-860-20010</u>
<u>Construct and maintain rail yard walkways for employee safety</u>	<u>WAC 296-860-20020</u>
<u>Install radiation detectors according to manufacturer's specifications</u>	<u>WAC 296-860-20030</u>
<u>Maintain overhead clearances</u>	<u>WAC 296-860-20040</u>
<u>Maintain side clearances</u>	<u>WAC 296-860-20050</u>
<u>Maintain clearances between tracks</u>	<u>WAC 296-860-20060</u>
<u>Move excessive height or width rail car loads with care</u>	<u>WAC 296-860-20070</u>
<u>Follow these requirements to conduct narrow gauge rail operations</u>	<u>WAC 296-860-20080</u>

**AMENDATORY SECTION** (Amending WSR 02-17-106, filed 8/21/02, effective 10/1/02)

**WAC 296-860-20010 Post warning signs and train employees about clearances approved before April 3, 1961.** ~~((You must:))~~ (1) You must post warning signs near tracks with clearances approved before April 3, 1961, so employees are aware of the minimal clearances and their potential hazards. The signs must:

- ((-)) (a) Be highly visible.
- ((-)) (b) Be easy to read.
- ((-)) (c) Alert employees to the danger of railway equipment operating on your yard and plant tracks.

(2) You must include in your employee safety and health training information about:

- ((-)) (a) Any minimal clearances and their location.
- ((-)) (b) Potential hazards associated with them.
- ((-)) (c) The location of any clearance warning signs.

**AMENDATORY SECTION** (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-860-20020 Construct and maintain rail yard walkways for employee safety.**

**Important:**

((\*) You have two years from October 01, 2002, (the effective date of this rule), to comply with the construction requirements of this section, unless the department determines during an inspection that your walkways create a serious safety hazard. ((\*) If you are not sure a serious safety hazard exists in your workplace, you can request a free con-

sultation from the department by calling your local L&I office.

**Construction of walkways**

~~((You must:))~~

((\*) (1) You must build walkways in rail yard areas where employees regularly work on the ground.

((\*) (2) You must construct rail yard walkways that can be maintained in a safe condition:

- ((-)) (a) With reasonably smooth walking surfaces.
- ((-)) (b) That will not interfere with track drainage.

((\*) (3) You must use any of the following materials when constructing your walkway:

((-)) (a) Crushed material that does not exceed 1 1/2 inches in size. For this rule, "1 1/2 inches in size" means one of the following (percentages refer to weight measurement and sieve size standard in the industry):

<b>Percentage of material passing through a sieve opening</b>	<b>Sieve opening size</b>
100	1 1/2 inch square
90 - 100	1 inch square
40 - 80	3/4 inch square
15 - 60	1/2 inch square
0 - 30	3/8 inch square
0 - 10	#4
0 - 5	#8
0 - 0.5	#200

((b) Smaller crushed material is preferred and should be used where drainage and durability is not an issue. Crushed material that is 3/4 inch or less in size is recommended for switching leads in yards.

((\*) (c) Asphalt, concrete, planking, grating, or other similar material.

((\*) (d) Natural materials such as gravel or dirt.

~~((You must:))~~

((\*) (4) You must construct walkways wide enough for employees to safely perform their duties.

((\*) (5) You must construct walkways with a grade or slope in any direction with not more than one inch of elevation for each eight inches of horizontal length, unless it is geographically impractical.

**Maintenance of walkways**

~~((You must:))~~

((\*) (6) You must keep all walkways clear of vegetation, debris, mud, or other obstructions that create a potential hazard for employees.

((\*) (7) You must remove all standing water from all walkways as soon as reasonably possible.

((\*) (8) You must reopen walkways temporarily closed for a construction project within thirty days after the project is completed.

~~((You must:))~~

((\*) (9) You must repair walkways that have been damaged and temporarily closed because of an emergency within thirty days after the emergency ends.

~~((Definition:))~~

~~Emergency: Any unforeseen occurrence endangering life, limb, or property.~~

•) (10) You must obtain a department variance before permanently removing any bridge or trestle walkway from use after October 1, 2002 (the effective date of this rule).

**Note:** The requirements for filing a variance are located in the safety and health core rules and chapter 296-900 WAC, Administrative rules.

AMENDATORY SECTION (Amending WSR 02-17-106, filed 8/21/02, effective 10/1/02)

**WAC 296-860-20030 Install radiation detectors according to manufacturer's specifications.**

~~((IMPORTANT:))~~ **Important:**

This section applies only to those private yards and plants where the installation of radiation detectors beside railroad tracks is required due to the nature of the business; for example, scrap metal yards.

~~((You must:))~~

•) (1) You must install radiation detectors beside the railroad tracks in your yard and/or plant according to the manufacturer's specifications.

(•) (2) You must post signs on each radiation detector installed less than eight feet six inches from the centerline of the track:

(-) (a) Warning employees that the side clearances between the detector and the track centerline are less than the required standard minimum side clearances found in this chapter.

(-) (b) Prohibiting employees from riding on the side of any rail car passing through the detector.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-860-20040 Maintain overhead clearances.**

~~((Exemption:))~~ **EXEMPTION:**

Engine houses and car shops are exempt from the overhead clearance requirements of this section.

~~((You must:))~~

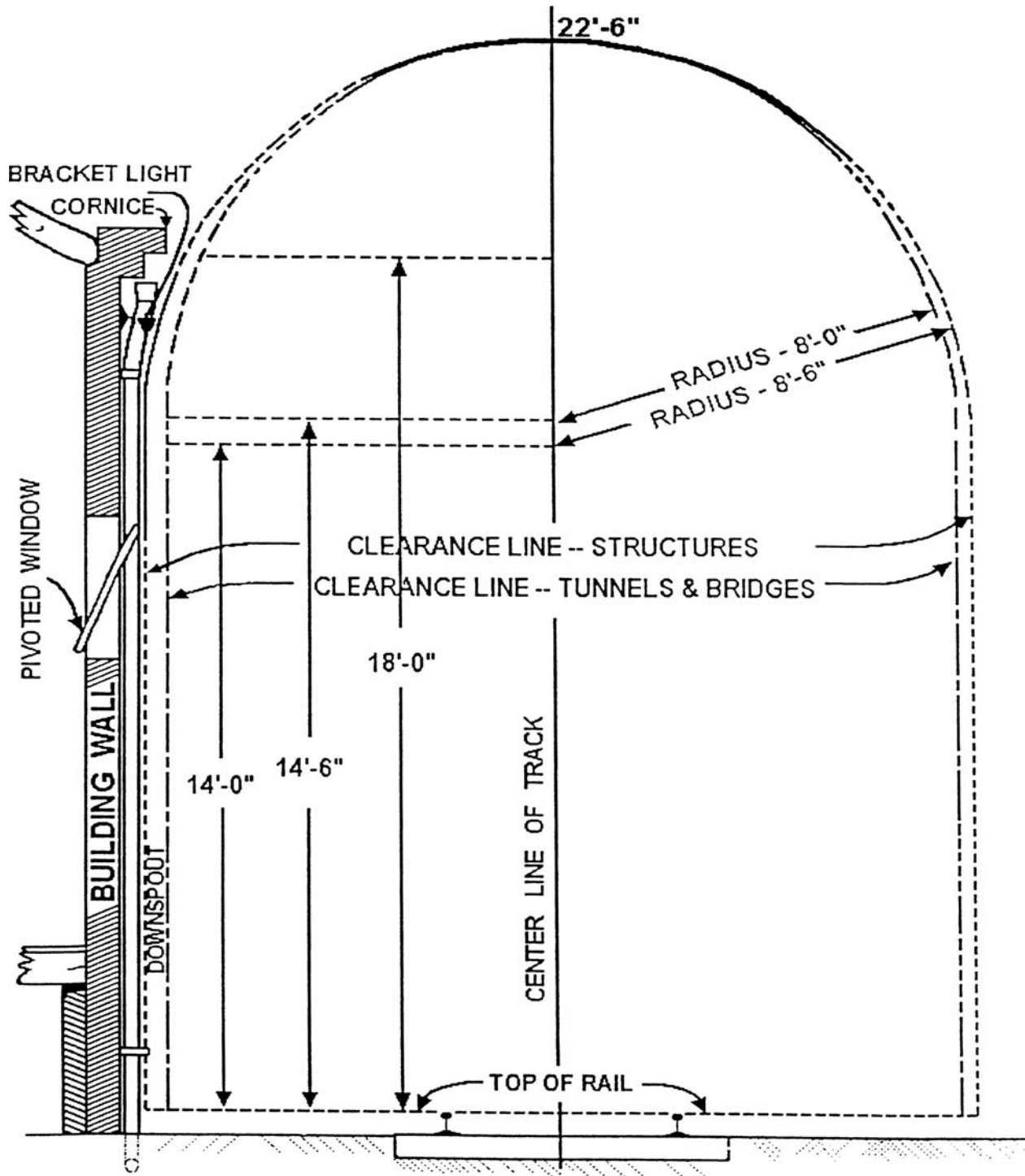
•) You must make sure overhead railroad clearances are at least twenty-two feet six inches unless a clearance requirement found in Table 1 applies.

**Note:** (•) 1. Clearance requirements are based on the assumption that generally used rail equipment in private yards and plants is no more than ten feet ten inches wide by fifteen feet six inches high.  
 (•) 2. WAC 296-860-20070 regulates the use of any rail equipment that exceeds the above dimensions.  
 (•) 3. Minimum vertical clearances for all overhead wires are specified in Parts 1, 2, and 3 of the National Electrical Safety Code (NESC) as referenced in WAC 296-45-045, electrical workers safety rules, NESC applicable. See NESC 231 and 232.

**Table 1 - Minimum Overhead Clearances for Buildings, Structures, Tunnels, and Bridges**

If your overhead clearance involves:	Then the minimum overhead clearance requirements are:
An entirely enclosed building	18 feet when tracks end inside an entirely enclosed building. Also: <ul style="list-style-type: none"> <li>• The department must approve any reduction from 22 feet 6 inches before the reduction takes place.</li> <li>• If an overhead clearance is less than 22 feet 6 inches, all cars, locomotives or other equipment must come to a full stop before entering the building.</li> <li>• See Illustration 1.</li> </ul>
All other structures	Defined by the half-circumference of a circle whose: <ul style="list-style-type: none"> <li>• Radius is 8 feet 6 inches <del>((AND)); and</del></li> <li>• Center is located on a line perpendicular to the track's centerline and 14 feet above the top of the highest rail.</li> <li>• See Illustration 1.</li> </ul>
Tunnels, over-crossings, and bridges	Defined by the half-circumference of a circle whose: <ul style="list-style-type: none"> <li>• Radius is 8 feet <del>((AND)); and</del></li> <li>• Center is located on a line perpendicular to the track's centerline and 14 feet 6 inches above the top of the highest rail.</li> <li>• See Illustration 1.</li> </ul>

Illustration 1 - Minimum Overhead Clearances for Buildings, Structures, Tunnels, and Bridges



AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-860-20050 Maintain side clearances.**

~~((You must:~~

•)) You must make sure side clearances are at least eight feet six inches from the track centerline unless clearance requirements found in Tables 2, 3, or 4 apply.

Note:

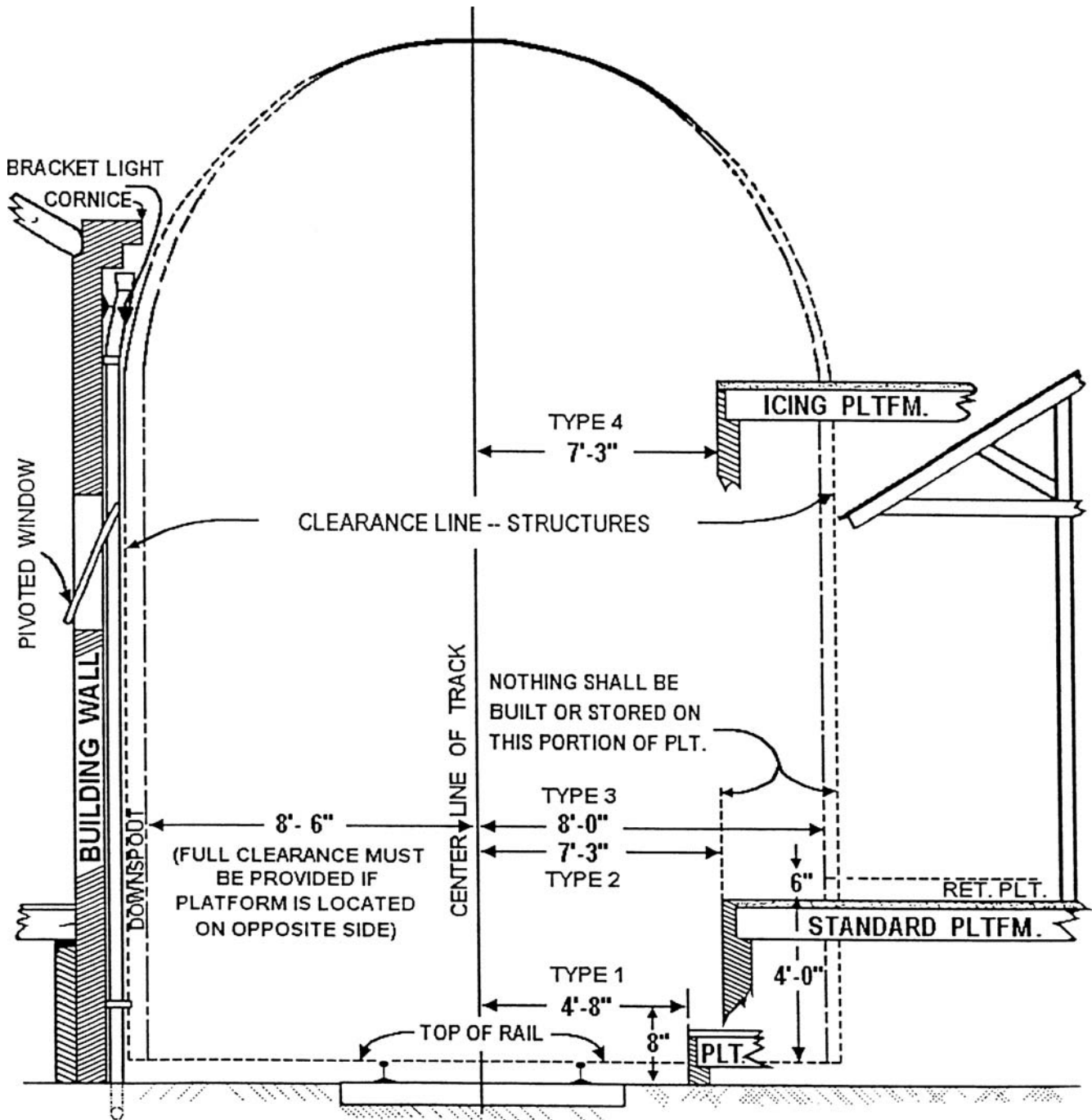
All side clearances in Tables 2, 3, and 4 that reference "the track centerline" are based on the assumption that private rail operations generally use track that is standard gauge width (4 feet 8 1/2 inches).



**Table 2 - Minimum Side Clearance for Platforms**

<p><b>If Your Platform Type is:</b></p>	<p><b>Then the Minimum Clearance Requirements Between the Track Centerline and a Platform Edge are:</b></p>
<p><b>Type 1</b> Platforms with heights of 8 inches or less above the top of the rail.</p>	<p>4 feet 8 inches  See Illustration 2.</p>
<p><b>Type 2</b> Platforms with heights of 4 feet or less above the top of the rail.</p>	<p>7 feet 3 inches  See Illustration 2.</p>
<p><b>Type 3</b> Platforms with heights of 4 feet 6 inches or less above the top of the rail and the platforms are used primarily for loading and/or unloading refrigerator cars.</p>	<p>8 feet  See Illustration 2.</p>
<p><b>Type 4</b> Icing platforms and supports.</p>	<p>7 feet 3 inches  See Illustration 2.</p>
<p><b>Type 5</b> Retractable platforms attached to permanent structures.</p>	<p>When not in use, use the clearance requirements for a platform of its height.</p>
<p><b>Type 6</b> <b>Platforms that are a combination</b> of Types 1 through 3. (Only Types 1 through 3 platforms can be combined.)</p>	<p><b>Platforms may be combined</b> if the Type 1 platform has a level surface no more than 4 feet 8 inches from the track centerline to the face of the platform wall with which it is combined.</p>

Illustration 2 - Minimum Side Clearances for Platforms



~~((Table 3 - Minimum Side Clearances for Bridges, Tunnels and Related Structures))~~

**EXEMPTION:** ((\*) Except for handrail and water barrel clearances, the clearance requirements in Table 3 do not apply to bridge decks where railroad employees couple or uncouple cars on a switching lead unless the department approves them.

**Note:** ((\*) The requirements for filing a variance are located in the Safety and health core rules and chapter 296-900 WAC, Administrative rules.

**Table 3 - Minimum Side Clearances for Bridges, Tunnels and Related Structures**

If your side clearance requirement involves:	Then the minimum side clearance requirements between the track centerline and the bridge, tunnel or related structure are:
Bridge and tunnel sides - lower section	8 feet
Bridge and tunnel sides - upper section	Defined by the half-circumference of a circle whose: <ul style="list-style-type: none"> <li>• Radius is 8 feet (<del>(AND)</del>); <u>and</u></li> <li>• Center is located on a line perpendicular to the track's centerline and 14 feet 6 inches above the top of the highest rail.</li> <li>• See Illustration 3.</li> </ul>
Related structures on bridges and in tunnels - lower section structures (or portions of them) that are no more than 4 feet above the top of the rail. For example: <ul style="list-style-type: none"> <li>• Refuge platforms on bridges and trestles.</li> <li>• Water columns, oil columns, and block signals.</li> <li>• Cattle chutes.</li> </ul>	Defined by lines extending: <ul style="list-style-type: none"> <li>• 5 feet laterally from the track centerline to a point level with the top of the rail and then diagonally upward to another point 4 feet above the top of the rail (<del>(AND)</del>); <u>and</u></li> <li>• 8 feet laterally from the track centerline to a point 4 feet above the top of the rail.</li> <li>• See Illustration 3A. The shaded portion of the illustration designates the area that must be free of refuge platforms, water columns, oil columns, block signals and cattle chutes.</li> </ul>
Hand rails and water barrels	7 feet 6 inches
Fences of cattle guards	6 feet 9 inches

Illustration 3 - Minimum Side Clearances for Bridges, Tunnels and Related structures

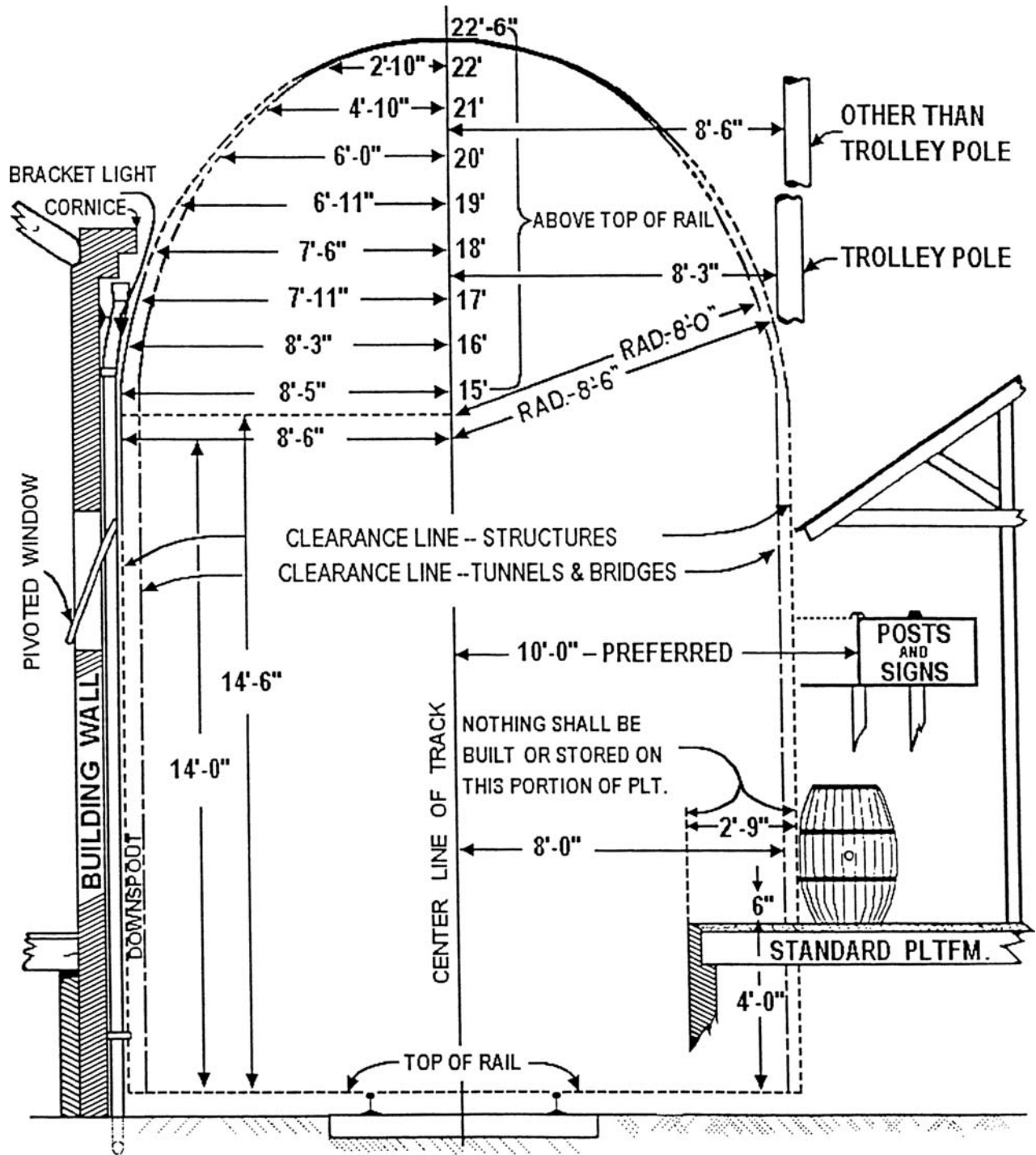
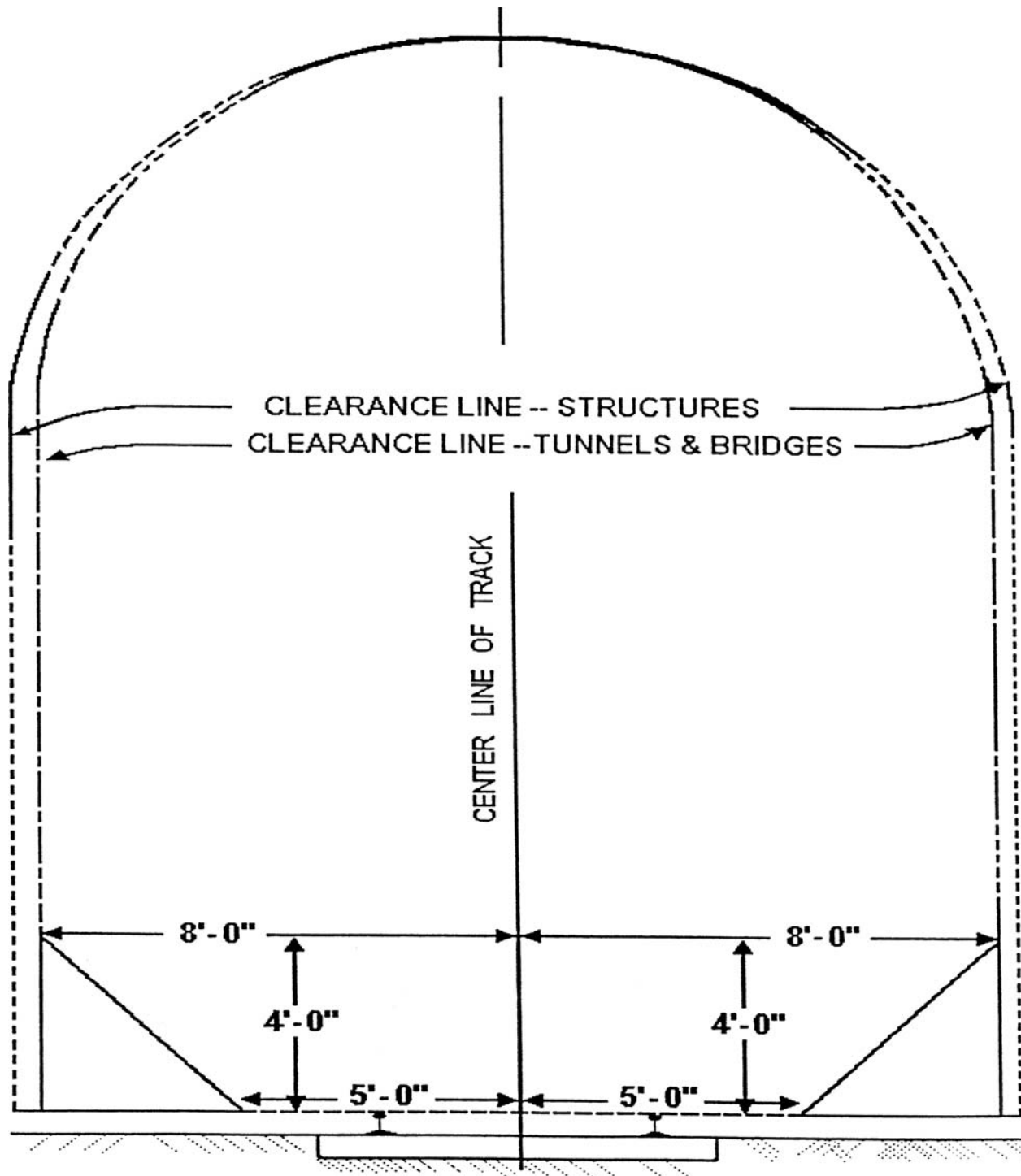


Illustration 3A - Minimum Side Clearance for Certain Structures in or on the Lower Sections of Bridges and Tunnels



((Table 4 - Other Minimum Side Clearance Requirements\*))

- Note:
- ((\*) 1. The department must approve all minimum clearances for car pulling units and related structures.
  - ((\*) 2. The requirements for filing a variance are located in the Safety and health core rules and chapter 296-900 WAC, Administrative rules.

**Table 4 - Other Minimum Side Clearance Requirements\***

<b>If your side clearance requirement involves:</b>	<b>Then the minimum side clearance requirements from the track centerline are:</b>
<p><b>Type A</b> Engine house and car repair shop doors.</p>	7 feet 6 inches
<p><b>Type B</b> Interlocking mechanism, switch boxes, and other similar devices projecting no more than 4 feet above the top of the rail.</p>	3 feet
<p><b>Type C</b> Poles supporting trolley contact.</p>	8 feet 3 inches
<p><b>Type D</b> Signals and switch stands no more than 3 feet high and located between tracks where it is not possible to allow other clearances required in this chapter.</p>	6 feet
<p><b>Type E</b> Signals and switch stands other than those described in Type B and Type D.</p>	8 feet
<p><b>Type F</b> Material, merchandise, inventory, storage bins or equipment stacked or stored on ground or platforms adjacent to tracks.</p>	<p>8 feet 6 inches</p> <p><b>Note:</b> This requirement does not apply to:</p> <ul style="list-style-type: none"> <li>• Railroad maintenance operations</li> <li>• Emergency situations</li> <li>• Local conditions that make compliance impossible.</li> </ul>

<b>If your side clearance requirement involves:</b>	<b>Then the minimum side clearance requirements from the track centerline are:</b>
<p><b>Type G</b> Space adjacent to curved track.</p>	Increased to equal tangent track clearances. As a general rule, side clearances on curved track should be increased 1-1/2" for each degree of curvature.

\* Table 4 does not have an accompanying illustration.

**AMENDATORY SECTION** (Amending WSR 02-17-106, filed 8/21/02, effective 10/1/02)

**WAC 296-860-20060 Maintain clearances between tracks. ((You must:**

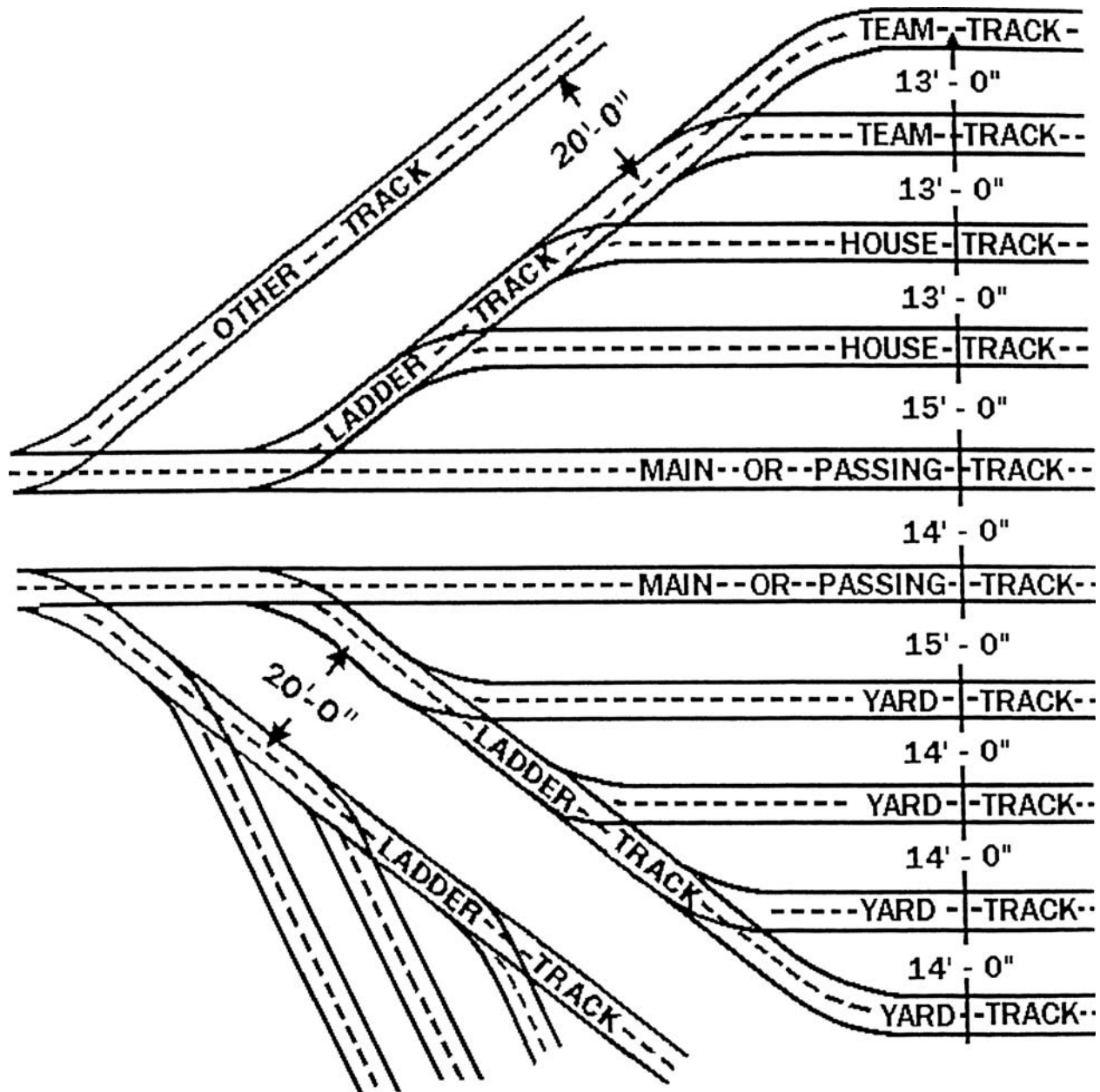
**•)) You must comply with the track clearance requirements in Table 5.**

**Table 5 - Minimum Standard Gauge Track Clearances**

<b>If your track clearance involves:</b>	<b>Then the minimum clearance requirements between centerlines of standard gauge parallel tracks are:</b>
Main or passing tracks used for transporting cars, locomotives, motors, or like equipment	14 feet
Any tracks adjacent to main or passing tracks	15 feet
Team, house, or industry tracks	13 feet
Yard tracks	14 feet
Ladder and other tracks	20 feet

**Note:** The following illustration will help you understand the track clearance requirements discussed in this section and WAC 296-860-20080 regulating narrow gauge rail operations.

STANDARD GAUGE TRACK CLEARANCES



AMENDATORY SECTION (Amending WSR 02-17-106, filed 8/21/02, effective 10/1/02)

**WAC 296-860-20070 Move excessive height or width rail car loads with care.**

**Note:** This section regulates rail cars whose dimensions exceed ten feet ten inches wide by fifteen feet six inches high.

~~((You must:~~

•)) (1) You must make sure your yard supervisor is given advanced notice regarding the arrival of any excess height or width cars so they can safeguard any employees working in the yard.

(\*) (2) You must make sure no one is allowed to ride on the:

- (-) (a) Roof of any excessive height car.
- (-) (b) Side of any excessive width car.
- (-) (c) Side of any car with a load extending more than five feet five inches from the car's centerline.

AMENDATORY SECTION (Amending WSR 02-17-106, filed 8/21/02, effective 10/1/02)

**WAC 296-860-20080 Follow these requirements to conduct narrow gauge rail operations.** (~~You must:~~

•)) (1) You must base your clearance measurements upon your widest narrow gauge cars.

(\*) (2) You must make sure the distance between the cars and objects on narrow gauge track is equal to or greater

than the distance required between ten foot ten inch wide cars and other cars or objects on standard gauge track.

((\*) (3) You must comply with all other applicable requirements in this chapter.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-860-300 Definitions.

NEW SECTION

**WAC 296-864-099 Definitions. Barrier.** A fence, wall or other object placed between a single-piece rim wheel and an employee during tire inflation that will contain the components if the air in the tire is suddenly released.

**Charts.**

(a) The United States Department of Labor, Occupational Safety and Health Administration publications entitled "*Demounting and Mounting Procedures for Truck/Bus Tires*" and "*Multi-Piece Rim Matching Chart*";

(b) The National Highway Traffic Safety Administration (NHTSA) publications entitled "*Demounting and Mounting Procedures for Truck/Bus Tires*" and "*Multi-Piece Rim Matching Chart*"; or

(c) Any other poster that contains at least the same instructions, safety precautions and other information contained in the charts applicable to the types of wheels being serviced.

**Demounting.** Deflating and taking apart a tire and rim wheel.

**Installing a rim wheel.** The transfer and attachment of an assembled rim wheel onto a vehicle axle hub.

**Mounting a tire.** The putting together of the wheel and tire components to form a rim wheel, including inflation.

**Restraining device.** Is a cage or rack that will hold all rim wheel components during an explosive separation of a multipiece rim wheel or during the sudden release of air in a single-piece rim wheel.

**Rim manual.** Is a publication containing instructions from the manufacturer or other qualified organization for correct mounting, demounting, maintenance, and safety precautions for the type of wheel being serviced.

**Service or servicing.** The mounting and demounting of rim wheels, and related activities such as inflating, deflating, installing, removing, and handling.

**Service area.** Any place where an employee services rim wheels.

**Single-piece rim wheel.** A single part holds the tire, forms part of the air chamber and is the point where the wheel is attached to the vehicle axle.

**Split rim wheel or multipiece rim wheel.** A wheel made up of two or more parts. One of the parts is a side ring or locking ring that holds the tire on the wheel when the tire is inflated.

**Trajectory.** The path that a rim wheel component may travel during an explosive separation or the sudden release of air.

**Wheel.** That portion of a rim wheel that attaches to the axle of a vehicle and also contains the inflated tire or tire and tube.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-100 Scope.**

**Note:** This rule is intended to protect employees from hazards associated with the exploding separation of rim wheel components. This chapter applies to the protection of employees who service split rim wheels and single-piece rim wheels used on large vehicles. For example:

- ((\*) 1. Trucks;
- ((\*) 2. Tractors;
- ((\*) 3. Trailers;
- ((\*) 4. Buses; ~~((AND))~~ and
- ((\*) 5. Off-road machines.

~~((Exemption\*))~~ This chapter does not apply to the servicing of rim wheels used on:

- EXEMPTION:**
- ((\*) 1. Automobiles; ~~((OR))~~ or
  - ((\*) 2. Tires designated as light truck (LT).

**Note:** The tire designation can be found on the sidewall of the tire.

~~((Definition:))~~

~~**Split rim wheel or multipiece rim wheel,** means a wheel made up of two or more parts. One of the parts is a side ring or locking ring that holds the tire on the wheel when the tire is inflated.~~

~~**Single-piece rim wheel** means a single part holds the tire, forms part of the air chamber and is the point where the wheel is attached to the vehicle axle.)~~

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-200 Wheel components.**

**Summary((\*))**

**Your responsibility:**

To make sure rim wheels are serviced safely.

~~((You must:))~~

~~Make sure wheel components are compatible~~

~~WAC 296-864-20005.~~

~~Make sure rim wheels are serviced safely~~

~~WAC 296-864-20010.~~

~~Make sure damaged wheel components are not used~~

~~WAC 296-864-20015.)~~

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Make sure wheel components are compatible</u>	<u>WAC 296-864-20005</u>
<u>Make sure rim wheels are serviced safely</u>	<u>WAC 296-864-20010</u>
<u>Make sure damaged wheel components are not used</u>	<u>WAC 296-864-20015</u>



AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-20005 Make sure wheel components are compatible. (~~You must:~~**

\*) (1) You must make sure tires and rim wheels are compatible before assembly.

(\*) (2) You must make sure split rim wheel components are not interchanged, except as provided in:

(-) (a) The Occupational Safety and Health Administration (OSHA) and National Highway Traffic Safety Administration (NHTSA) charts, "Demounting and Mounting Procedures for Truck/Bus Tires" and "Multi-Piece Rim Matching Chart(-)" (~~(OR~~

-); or

(b) The rim manual for that component.

**Note:** Reprints of these charts, "Demounting and Mounting Procedures for Truck/Bus Tires" and "Multi-Piece Rim Matching Chart," are available:

(\*) 1. Through the WISHA Training and Outreach office at 360-902-5638.

(\*) 2. Through the OSHA area offices. The address and telephone number of the nearest OSHA area office can be obtained by looking in the local telephone directory under U.S. Government, U.S. Department of Labor, Occupational Safety and Health Administration.

(\*) 3. From the OSHA web site at <http://www.osha.gov/pls/publications/pubindex.continue>.

(\*) 4. Through U.S. Postal Service at:

OSHA Publications Office  
 U.S. Department of Labor Occupational Safety and Health Administration  
 ((Room-N3104)) 200 Constitution Ave. N.W.  
 Washington D.C. 20210(-)  
 Telephone: ((202-523-9667)) 202-693-1888.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-20010 Make sure rim wheels are serviced safely. (~~You must:~~**

\*) (1) You must inspect split rim wheel components and single-piece wheels prior to assembly.

(\*) (2) You must make sure the following are free of any dirt, surface rust, scale or loose or flaked rubber build-up prior to mounting and inflation:

(-) (a) Rim flanges;

(-) (b) Rim gutters;

(-) (c) Rings;

(-) (d) Bead seating surfaces; (~~(AND~~

-)) and

(e) The bead areas of tires.

(\*) (3) You must make sure you do not heat any rim wheels at any time.

(\*) (4) You must make sure you do not repair any rim wheel that is:

(-) (a) Cracked;

(-) (b) Broken;

(-) (c) Bent; (~~(OR~~

-)) or

(d) Damaged.

**Note:** Repair includes activities such as striking with a hammer and heating rim wheel components.

(\*) (5) You must provide and make sure that an air line assembly consisting of the following components is used for inflating tires:

(-) (a) A clip-on chuck;

(-) (b) An in-line valve with a pressure gauge or a pre-settable regulator; (~~(AND~~

-)) and

(c) A sufficient length of hose between the clip-on chuck and the in-line valve, if one is used, to allow the employee to stand outside the trajectory.

**Reference:** For additional requirements relating to compressed air tools, see WAC 296-807-140, Compressed air tools, in portable power tools.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-20015 Make sure damaged wheel components are not used. (~~You must:~~**

\*) (1) You must make sure any wheel or wheel component that is bent out of shape, pitted from corrosion, broken or cracked is:

(-) (a) Not used;

(-) (b) Marked or tagged unserviceable; (~~(AND~~

-)) and

(c) Removed from the service area.

(\*) (2) You must replace damaged or leaky valves

**(~~(SPLIT (MULTIPIECE) RIM AND SINGLE PIECE RIM WHEELS))~~**

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-300 Restraint devices.**

**Your responsibility:**

To make sure your restraint devices are safe.

~~(You must:~~

~~Use a restraining device~~

~~WAC 296-864-30005.~~

~~Make sure the restraint device meets these requirements~~

~~WAC 296-864-30010.~~

~~Provide charts or rim manuals~~

~~WAC 296-864-30015.))~~

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Use a restraining device</u>	<u>WAC 296-864-30005</u>
<u>Make sure the restraint device meets these requirements</u>	<u>WAC 296-864-30010</u>
<u>Provide charts or rim manuals</u>	<u>WAC 296-864-30015</u>

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-30005 Use a restraining device. ((You must:**

•)) (1) You must use a restraining device for inflating tires on split rim wheels.

((•)) (2) You must use a restraining device or barrier for inflating tires on single-piece wheels.

~~((Exemption:))~~ **EXEMPTION:** A restraining device or barrier is not required for single-piece rim wheels, if the rim wheel will be bolted onto a vehicle during inflation.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-30010 Make sure the restraint device meets these requirements. ((You must:**

•)) (1) You must make sure the restraining device or barrier can withstand a rim wheel separation that occurs at one hundred fifty percent of the maximum tire pressure specified.

((•)) (2) You must make sure the restraining devices and barriers will contain any components that may be thrown out during a wheel separation of any rim wheel.

((•)) (3) You must make sure restraining devices and barriers are visually inspected:

((-) (a) Prior to each day's use; (~~AND~~ -)) and

(b) After any separation of the rim wheel components or sudden release of air.

((•)) (4) You must make sure any restraining device or barrier that shows damage is immediately removed from service. Examples of damage include:

((-) (a) Cracks at welds;

((-) (b) Cracked or broken components;

((-) (c) Bent or sprung components caused by mishandling, abuse, tire explosion or rim wheel separation;

((-) (d) Pitting of components due to corrosion; (~~OR~~ -)) or

(e) Other structural damage that would decrease its effectiveness.

((•)) (5) You must make sure restraining devices or barriers removed from service are not used until they are repaired and reinspected.

((•)) (6) You must make sure restraining devices or barriers that need structural repair are not used until they are certified by either:

((-) (a) The manufacturer; (~~OR~~ -)) or

(b) A registered professional engineer.

**Note:** The certification needs to show that the barrier can withstand a force of one hundred fifty percent of the maximum tire pressure in the event of wheel separation.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-30015 Provide charts or rim manuals. ((You must:**

•)) (1) You must provide current charts or rim manuals containing instructions for the types of wheels being serviced in the service area.

((•)) (2) You must provide and use only tools recommended in the rim manual for the specific type of rim wheel being serviced.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-400 Service split rim wheels safely.**

**Your responsibility:**

To establish and use procedures to service split rim wheels safely.

~~((You must:~~

~~Establish a safe operating procedure for split rim wheels WAC 296-864-40005.~~

~~Follow these procedures for demounting split rim wheels WAC 296-864-40010.~~

~~Follow these procedures when working on split rim wheels and components~~

~~WAC 296-864-40015.~~

~~Follow these procedures for inflating split rim wheels~~

~~WAC 296-864-40020.))~~

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Establish a safe operating procedure for split rim wheels</u>	<u>WAC 296-864-40005</u>
<u>Follow these procedures for demounting split rim wheels</u>	<u>WAC 296-864-40010</u>
<u>Follow these procedures when working on split rim wheels and components</u>	<u>WAC 296-864-40015</u>
<u>Follow these procedures for inflating split rim wheels</u>	<u>WAC 296-864-40020</u>

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-40005 Establish a safe operating procedure for split rim wheels. ((You must:**

•)) (1) You must establish a safe operating procedure for servicing split rim wheels that includes the procedures in WAC 296-864-40010 through 296-864-40020.

((•)) (2) You must instruct employees in that procedure.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-40010 Follow these procedures for demounting split rim wheels. ((You must:**

•)) You must follow the relevant procedures in Table 1, Procedures for Deflating Split Rim Wheels.

**Table 1**  
**Procedures for Demounting Split Rim Wheels**

<b>During these times:</b>	<b>Then:</b>
Demounting rim wheels.	Make sure tires are completely deflated before demounting by removal of the valve core.
During either of the following situations: ((-) The tire has been driven underinflated at <del>((eighty))</del> 80 percent or less of its recommended pressure; <del>((OR))</del> <u>OR</u> ((-) There is obvious or suspected damage to the tire or wheel components.	Deflate the tires completely by removing the valve core, before a rim wheel is removed from the axle.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-40015** Follow these procedures when working on split rim wheels and components. ~~((You must: \*~~ You must follow the relevant procedures in Table 2, Procedures for Working on Split Rim Wheels and Components.

**Table 2**  
**Procedures for Working on Split Rim Wheels and Components**

<b>During these times:</b>	<b>Then:</b>
A split rim wheel is in a restraining device.	Make sure employees do not rest or lean any part of the body or equipment on or against the restraining device.
Assembly of the wheel and inflation of the tire.	Apply rubber lubricant to bead and rim mating surfaces, unless the tire or wheel manufacturer recommends against it.
After tire inflation.	Do both of the following: Inspect the tire and wheel components while still within the restraining device; <del>((AND))</del> <u>and</u> Make sure that they are properly seated and locked.
When adjusting the tire or wheel components.	Deflate the tire by removal of the valve core before the adjustment is made.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-40020** Follow these procedures for inflating split rim wheels. ~~((You must: \*~~ You must follow the relevant procedures in Table 3, Procedures for Inflating Split Rim Wheels.

**Table 3**  
**Procedures for Inflating Split Rim Wheels**

<b>During these times:</b>	<b>Then:</b>
Split rim wheels are being inflated.	Make sure employees stay out of the trajectory.
When all of the following occur:  A tire on a vehicle has more than <del>((eighty))</del> 80 percent of the recommended pressure; <del>((AND))</del> <u>and</u> Remote control inflation equipment is used; <del>((AND))</del> <u>and</u> No employees are in the trajectory during inflation.	The tire may be inflated while the rim wheel is on the vehicle.
Assembly of the wheel and inflation of the tire.	Apply rubber lubricant to bead and rim mating surfaces, unless the tire or wheel manufacturer recommends against it.
Inflating tires outside of a restraining device.	Make sure you do not exceed 5 psi (pounds per square inch) to seat the bead.
The tire is pressurized.	Make sure you don't correct the seating of side and lock rings by hammering, striking or forcing the components.

**Note:** ((\*) 1. Employees should stay out of the trajectory as much as possible while installing the split rim wheel onto the vehicle.  
((\*) 2. The trajectory may deviate from its expected path.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-500** Service single-piece rim wheels safely.  
**Your responsibility:**  
To establish and use procedures to service single-piece rim wheels safely.  
~~((You must: Establish a safe operating procedure for single-piece rim wheels~~  
~~WAC 296-864-50005.~~  
~~Follow these procedures for demounting single-piece rim wheels~~

~~WAC 296-864-50010.~~

~~Follow these procedures when working on single-piece rim wheel components~~

~~WAC 296-864-50015.~~

~~Follow these procedures for inflating single-piece rim wheels~~

~~WAC 296-864-50020.))~~

<u>You must meet the requirements...</u>	<u>in this section:</u>
<u>Establish a safe operating procedure for single-piece rim wheels</u>	<u>WAC 296-864-50005</u>
<u>Follow these procedures for demounting single-piece rim wheels</u>	<u>WAC 296-864-50010</u>
<u>Follow these procedures when working on single-piece rim wheel components</u>	<u>WAC 296-864-50015</u>
<u>Follow these procedures for inflating single-piece rim wheels</u>	<u>WAC 296-864-50020</u>

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-50005 Establish a safe operating procedure for single-piece rim wheels. (~~You must:~~**

**•)) (1) You must** establish a safe operating procedure for servicing single-piece rim wheels that includes the procedures in WAC 296-864-50010 through 296-864-50020.

**((•)) (2) You must** instruct employees in that procedure.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-50010 Follow these procedures for demounting single-piece rim wheels. (~~You must:~~**

**•)) You must** follow the relevant procedures in Table 4, Procedures for Demounting Single-Piece Wheel Components.

**Table 4**

**Procedures for Demounting Single-Piece Rim Wheels**

<u>During these times:</u>	<u>Then:</u>
At all times.	Make sure mounting and demounting of the tire is done only from the narrow ledge side of the wheel.
When demounting rim wheels.	Make sure tires are completely deflated before demounting by removal of the valve core.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-50015 Follow these procedures when working on single-piece rim wheels and components. (~~You must:~~**

**•)) You must** follow the relevant procedures in Table 5, Procedures for Working on Single-Piece Wheel Components.

**Table 5**

**Procedures for Working on Single-Piece Rim Wheel Components**

<u>During these times:</u>	<u>Then:</u>
At all times.	Avoid damaging the tire beads while mounting tires on wheels.
At all times.	Make sure tires are mounted only on compatible wheels of matching bead diameter and width.
Before assembly of the rim wheel.	Apply rubber lubricant to bead and wheel mating surfaces, unless the tire or wheel manufacturer recommends against the use of any rubber lubricant.
When using a tire changing machine.	Make sure the tire is inflated only to the minimum pressure necessary to force the tire bead onto the rim ledge while on the tire changing machine.
When using a bead expander.	Make sure it is removed: ((-) Before the valve core is installed; ( <del>AND</del> ) <u>and</u> ((-) As soon as the rim wheel becomes airtight (the tire bead slips onto the bead seat).

**Note:** You should not inflate tires above 40 psi to seat the bead.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-50020 Follow these procedures for inflating single-piece rim wheels. (~~You must:~~**

**•)) (1) You must** inflate tires only when contained within a restraining device or bolted on the vehicle with the lug nuts fully tightened.

**((•)) (2) You must** make sure tires are not inflated when any flat, solid surface is in the trajectory and within one foot of the sidewall.

**((•)) (3) You must** make sure employees stay out of the trajectory when inflating a tire.

((\*) (4) You must make sure, when inflating tires, that the inflation pressure stamped in the sidewall isn't exceeded unless the manufacturer recommends a higher pressure.

((\*) (5) You must make sure tires aren't inflated above the maximum pressure recommended by the manufacturer to seat the tire bead firmly against the rim flange.

**AMENDATORY SECTION** (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-600 Employee training.**  
**Your responsibility:**

To train employees to service split rim and single-piece rim wheels.

~~((You must:~~

~~Train employees who service rim wheels~~

~~WAC 296-864-60005.~~

~~Make sure employees demonstrate and retain the ability to service rim wheels safely~~

~~WAC 296-864-60010.))~~

<b><u>You must meet the requirements...</u></b>	<b><u>in this section:</u></b>
<u>Train employees who service rim wheels</u>	<u>WAC 296-864-60005</u>
<u>Make sure employees demonstrate and retain the ability to service rim wheels safely</u>	<u>WAC 296-864-60010</u>

**AMENDATORY SECTION** (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-60005 Train employees who service rim wheels.** ~~((You must:~~

\*) (1) You must train all employees who service rim wheels.

((\*) (2) You must make sure that employees do not service any rim wheel until they have been trained and instructed in:

((-) (a) Correct procedures of servicing the type of wheel being worked on; ~~((AND~~

~~-)) and~~

~~(b) The safe operating procedures described in:~~

~~((\*) (i) WAC 296-864-400, Service split rim wheels safely; ~~((AND~~~~

~~\*) and~~

~~((ii) WAC 296-864-500, Service single-piece rim wheels safely.~~

((\*) (3) You must make sure the training program explains the hazards involved in servicing those rim wheels and the safety procedures to be followed.

((\*) (4) You must make sure the training program includes, at a minimum, the applicable data from the:

((-) (a) Charts;

((-) (b) Rim manuals; ~~((AND~~

~~-)) and~~

~~(c) Contents of this standard.~~

**AMENDATORY SECTION** (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

**WAC 296-864-60010 Make sure employees demonstrate and retain the ability to service rim wheels safely.** ~~((You must:~~

\*) (1) You must make sure that each employee demonstrates the ability to service rim wheels safely, including performing the following tasks for the specified type of rim wheel in Table 6.

**Table 6**  
**Required Training Tasks**

Required Task	Split Rim	Single-Piece Rim
Demounting and deflation of tires((-))	X	X
Inspection and identification of the rim wheel components((-))	X	X
Hazards of mixing 16" <del>((and))</del> BS 16.5" tires and rims((-))		X
Mounting of tires((-))	X	X
Inflation of tires with a restraining device or other safeguard required by this section((-))	X	X
Use of the restraining device or barrier, and other equipment required by this section((-))	X	X
Handling of rim wheels((-))	X	X
Inflation of the tire when a rim wheel is mounted on a vehicle((-))		X
The hazards associated with standing in front of a split rim or single-piece rim wheel: ((-) During inflation of the tire; ((-) During inspection of the rim wheel following inflation; <del>((AND)) and</del> ((-) Installation and removal of rim wheels.	X	X

~~((You must:~~

\*) (2) You must make sure any employee that is unable to read the charts or rim manual is effectively trained on their contents.

((\*) (3) You must evaluate each employee's ability to perform these tasks and to service rim wheels safely.

((\*) (4) You must provide additional training as necessary to make sure that each employee maintains his or her proficiency.

**Helpful tool:**

**Training checklist**

The optional training checklist can help you monitor the training status of your employees. You can find this checklist in the resources section of this chapter.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-864-700 Definitions.

### **WSR 16-01-015**

#### **PERMANENT RULES**

#### **PUBLIC DISCLOSURE COMMISSION**

[Filed December 4, 2015, 12:35 p.m., effective January 4, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: These rules establish more efficient, customer friendly alternatives to adjudicative proceedings that may be used to resolve allegations of minor or technical violations of chapter 42.17A RCW and Title 390 WAC and establish consequences for instances of noncompliance that do not warrant enforcement. The commission is also increasing its brief adjudicative penalty authority from \$500 to \$1,000 to expand the capacity for brief hearings and adjust accordingly the penalty schedules used for routine filing violations when a person fails to electronically file campaign contribution and expenditure reports, or timely file a personal financial affairs statement, candidate registration, or lobbying expenditure reports. Finally, the commission is establishing procedures under which the commission may allow comment by a person other than the respondent during an enforcement hearing.

Citation of Existing Rules Affected by this Order: Amending WAC 390-32-030, 390-37-010, 390-37-030, 390-37-050, 390-37-060, 390-37-070, 390-37-090, 390-37-103, 390-37-140, 390-37-142, 390-37-155, 390-37-160, 390-37-165, 390-37-170, 390-37-175, and 390-37-182.

Statutory Authority for Adoption: RCW 42.17A.110(1).

Adopted under notice filed as WSR 15-21-088 on October 21, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 16, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 11, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 3, 2015.

Lori Anderson  
Communications and  
Training Officer

AMENDATORY SECTION (Amending WSR 85-22-029, filed 10/31/85)

**WAC 390-32-030 Complaint~~(s)~~ publication—Fair Campaign Practices Code—Alternative to investigation or adjudicative proceeding.** (1) Written and signed complaints alleging a violation of one or more specific provisions of ~~((the Fair Campaign Practices Code for candidates and political committees (WAC 390-32-010)))~~ WAC 390-32-010. The Fair Campaign Practices Code may be submitted to the ~~((public disclosure))~~ commission by any person.

~~((2))~~ Upon (a) Subject to the limitations in subsection (4) of this section, upon receipt of a complaint under subsection (1) of this section, the executive director shall forward a copy of the complaint to the ((complainee)) respondent within twenty-four hours, accompanied by a request for a response to the complaint returned within five days from the date of mailing.

~~((3))~~ (b) Upon receipt of ((the complainee's)) any response, the executive director shall forward a copy of the response to the complainant. A copy of the complaint and the response shall be sent to news media at the expiration of the five days for response. The complaint and the response shall be available at the commission office for public inspection and copying. If ((the complainee does not respond)) no response is received within five days, the complaint shall be made public without a response.

(c) The commission will not issue comments or opinions about complaints or responses received under this subsection.

(2) As provided by WAC 390-37-055, and considering the factors set forth in WAC 390-37-056, the executive director may authorize the processing of a complaint alleging violations of chapter 42.17A RCW or Title 390 WAC according to the complaint publication process provided in this section.

(a) Subject to the limitations in subsection (4) of this section, upon receipt of a complaint authorized by the executive director for processing under this subsection, the executive director shall forward a copy of the complaint to the respondent, accompanied by a request for a response to the complaint to be returned within five days from the date of mailing.

(b) Complaints authorized by the executive director for processing under this subsection shall be forwarded to the respondent within ten business days of receipt, or eight days prior to the date that ballots must be available under RCW 29A.40.070(1), whichever is earlier.

(c) Upon receipt of any response, the executive director shall forward a copy of the response to the complainant. A copy of the complaint and the response shall be sent to news media at the expiration of the five days for response. The complaint and the response shall be available at the commission office for public inspection and copying. If no response is received within five days, the complaint shall be made public without a response.

(d) Except as provided under (a) or (b) of this subsection, the publication of complaints or responses under this subsection shall constitute the final disposition of complaints authorized by the executive director for processing under this section.

(3) Following the processing of a complaint under subsection (2) of this section, the executive director shall review the complaint and any response received. Whenever a complaint and response indicate that a material violation of chapter 42.17A RCW may have occurred and/or the respondent may not be in substantial compliance with the relevant statutes and rules, considering the factors set forth in WAC 390-37-056, the executive director may:

(a) Dispose of the complaint through an additional alternative response as provided in WAC 390-37-055; or

(b) Direct a formal investigation be conducted.

(4) The commission will make no attempt to secure a reply to and will make no public release of complaints received within eight days of ~~((an election))~~ the date that ballots must be mailed to voters under RCW 29A.40.070(1).

(5) ~~((The commission will not issue comments or opinions about complaints or responses.~~

(6) ~~In the absence of any contrary intention as expressed by the complainant,~~) The filing of a complaint with the commission under this section or any provision of chapter 390-37 WAC constitutes implied consent to have the complainant's identity disclosed.

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

**WAC 390-37-010 Enforcement procedures—General.** This chapter provides the procedures for adjudicative proceedings (enforcement hearings) in compliance cases under the commission's jurisdiction. The procedures are also governed by RCW 42.17A.755, and the adjudicative proceedings provisions of chapter 34.05 RCW. Unless they differ or are otherwise specifically addressed in this chapter, the procedure, are supplemented by the model rules of procedure in chapter 10-08 WAC. In lieu of holding an adjudicative proceeding or issuing an order as a result of such a proceeding, the commission may refer the matter to the attorney general or other law enforcement agency pursuant to RCW 42.17A.105(5) and 42.17A.755.

In addition, the procedures for requesting a hearing on a petition to modify or suspend reporting requirements are provided in RCW 42.17A.120 and chapters 390-24 and 390-28 WAC.

The policy of the commission (~~((shall be))~~) is to facilitate the resolution of compliance matters in a fair and expeditious manner. The commission encourages the parties to consider alternative resolution or partial resolution procedures (~~((such as stipulations under WAC))~~) as set forth in WAC 390-37-060, 390-37-075, or 390-37-090, when appropriate. Informal settlements are encouraged by RCW 34.05.060.

AMENDATORY SECTION (Amending WSR 03-22-065, filed 11/4/03, effective 12/5/03)

**WAC 390-37-050 Enforcement procedures—Respondent's notice of complaint.** Within ten business days

of receipt by the commission of a complaint which on its face appears to have merit, the commission shall notify the respondent that a complaint has been filed. The notice shall set forth the nature of the complaint and its origin (citizen complaint, commission or other) and the statutory provision alleged to have been violated. If an alternative response to the alleged violation has been issued as provided by this chapter, the notice shall also describe that response, including any conditions the respondent is required to meet.

AMENDATORY SECTION (Amending WSR 12-18-015, filed 8/24/12, effective 9/24/12)

**WAC 390-37-060 Enforcement procedures—Alternative responses to noncompliance—Investigation of complaints—Initiation of ~~((hearing))~~ adjudicative proceeding~~((t))~~.** (1) Upon receipt of a complaint, ~~the~~ ~~((following will occur:~~

~~(a) The~~) executive director will conduct an initial review of the complaint to determine ~~((if it is obviously unfounded or frivolous or appears on its face to have merit))~~ what action will be taken. An initial review is a preliminary investigation to determine whether the allegations are limited to minor or technical violations of chapter 42.17A or if there is sufficient ground indicating that a material violation of chapter 42.17A RCW may have occurred ~~((and/or the respondent may not be in substantial compliance with the relevant statutes and rules.~~

~~(b))~~) so as to warrant a formal investigation.

(a) The executive director shall return any complaint that is obviously unfounded or frivolous. The executive director will inform the complainant why the complaint is returned.

(b) The executive director may resolve any complaint that alleges minor or technical violations of chapter 42.17A by issuing a formal written warning. If the resolution is conditioned upon the respondent reaching or maintaining compliance, specific expectations and any deadlines should be clearly explained in the written warning. A respondent's failure to meet conditions may result in a complaint being reopened.

(c) The executive director may use the complaint publication process set out in WAC 390-32-030 to resolve any complaint that alleges minor or technical violations of chapter 42.17A RCW.

(d) The director shall initiate a formal investigation whenever an initial review of a complaint indicates that a material violation of chapter 42.17A RCW may have occurred ~~((and/or the respondent may not be in substantial compliance with the relevant statutes and rules, the executive director may direct a formal investigation be conducted.~~

~~((e))~~.

(2) If the executive director determines a formal investigation will require the expenditure of substantial resources, the executive director may request review and concurrence by the commission before proceeding.

~~((2))~~ (3) The executive director shall initiate an adjudicative proceeding or provide a report to the commission whenever ~~((a))~~ a formal investigation reveals facts that the executive director has reason to believe are a material viola-

tion of chapter 42.17A RCW and do not constitute substantial compliance.

~~((3))~~ (4) The respondent and complainant shall be notified of the date of the adjudicative proceeding or a report on an enforcement matter no later than ten calendar days before that date. The notice shall contain the information required by RCW 34.05.434 ~~(- The complainant shall also be provided a copy of this notice)~~, the staff investigative report, and any charges to be adjudicated. The notice, whenever possible, will be delivered electronically.

~~((4))~~ (5) It is the policy of the commission during the course of any investigation that all records generated or collected as a result of that investigation are exempt from public inspection and copying under RCW 42.56.240(1).

(a) The records are exempt until:

~~(i) (The enforcement matter is scheduled for an adjudicative proceeding;~~

~~(ii) After receiving a report on an enforcement matter, the commission accepts the investigation as complete and moves the matter forward to an adjudicative proceeding, or dismisses the complaint, or refers the matter to law enforcement authorities under RCW 42.17A.105 or 42.17A.755(3);~~

~~(iii) The commission or chair concur in a dismissal by the executive director; or~~

~~(iv) The commission or executive director otherwise finally disposes of the complaint.)~~ A final staff investigative report is submitted; or

(ii) The executive director issues a final disposition of the complaint through an alternative response as provided in this section.

(b) Without waiving any exemptions from public disclosure that are otherwise available for pending investigations, the commission may make public:

(i) A copy of a complaint filed with or submitted to the commission, including any attachments; ~~(and)~~

(ii) A copy of the respondent's initial response to a complaint; and

(iii) Materials concerning an enforcement matter that are placed on the commission's web site with a commission meeting agenda.

(c) If a request is made for any such record that implicates the privacy of an individual as defined in RCW 42.56.050, written notice of the records request may be provided to the individual in order that such individual may request a protective order from a court under RCW 42.56.540.

(d) Certain documents provided to the commission shall be returned to candidates, campaigns, or political committees as required by RCW 42.17A.105 within seven calendar days of the commission's final action upon completion of an audit or field investigation.

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

**WAC 390-37-070 Enforcement procedures—Complaints dismissed by executive director.** The executive director, with the concurrence of the chair or the chair's designee commissioner, at any time prior to consideration by the commission, may dismiss a complaint which on its face, or as

shown by investigation, does not show reason to believe that a material violation of the sections of chapter 42.17A RCW that are enforced by the commission has occurred ~~((and/or))~~, shows that the respondent is in substantial compliance with the relevant statutes or rules, or shows that formal enforcement action is not warranted.

AMENDATORY SECTION (Amending WSR 06-14-057, filed 6/29/06, effective 7/30/06)

**WAC 390-37-090 ~~((Informal settlement—))~~ Cases resolvable by stipulation prior to an enforcement hearing (adjudicative proceeding), or by other alternative dispute mechanisms.** (1) RCW 34.05.060 authorizes agencies to establish by rule specific procedures for attempting and executing informal settlement of matters. The following procedures are available for informal dispute resolution prior to an adjudicative proceeding that may make more elaborate proceedings under the Administrative Procedure Act unnecessary.

(a) Any enforcement matter before the commission which has not yet been heard in an adjudicative proceeding may be resolved by settlement. The respondent shall communicate his or her request to the executive director or designee (commission staff), setting forth all pertinent facts and the desired remedy. Settlement negotiations shall be informal and without prejudice to rights of a participant in the negotiations.

(b) When the executive director and respondent agree to terms of any stipulation of facts, violations, and/or penalty, commission staff shall prepare the stipulation for presentation to the commission.

(c) Any proposed stipulation shall be in writing and signed by each party to the stipulation or his or her representative. The executive director shall sign for commission staff. Any stipulation to facts ~~((and))~~, violations, or penalty shall be provided ~~((prior to or at the hearing. Stipulations to penalty shall be provided))~~ by 4:00 p.m. ~~((the))~~ three business days preceding the hearing. The commission has the option of accepting, rejecting, or modifying the proposed stipulation or asking for additional facts to be presented. If the commission accepts the stipulation or modifies the stipulation with the agreement of the opposing party, the commission shall enter an order in conformity with the terms of the stipulation. If the commission rejects the stipulation or the opposing party does not agree to the commission's proposed modifications to the stipulation, and if no revised stipulation or staff report is presented to the commission, then an adjudicative proceeding shall be scheduled and held.

(2) Parties are encouraged to be creative in resolving cases without further litigation where appropriate.

(3) Following a stipulation of facts or law, if the commission determines certain sanctions or other steps are required by the respondent as a result of the alternative dispute resolution including stipulations and that it intends to enter an order, and the respondent does not timely raise an objection at the hearing, it shall be presumed that the respondent has waived objections and appeals, and agrees to the entry of the order.



AMENDATORY SECTION (Amending WSR 12-01-047, filed 12/14/11, effective 1/14/12)

**WAC 390-37-103 Commission options following receipt of a staff report on alleged violations.** Upon receipt of a staff report concerning alleged violations of those sections of chapter 42.17A RCW that the commission enforces, the commission may:

- (1) ~~((Schedule the matter for a hearing (adjudicative proceeding); or~~
- ~~(2) Issue an order; or~~
- ~~(3)) Direct the executive director to issue an alternative response as provided in WAC 390-37-060;~~
- (2) Defer enforcement as provided in WAC 390-37-075;
- (3) Issue an order; or
- (4) Refer the matter or apparent violations to the attorney general or other enforcement agency pursuant to RCW 42.17A.105(5) and 42.17A.750.

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

**WAC 390-37-140 Brief enforcement hearings (adjudicative proceedings)—Authority.** (1) The commission may provide a brief adjudicative proceeding for violations of the sections of chapter 42.17A RCW that it enforces in which the facts are undisputed, the violations appear to be relatively minor in nature, and a penalty no greater than ~~\$(500))~~ 1,000 will be assessed for the violations. Typical matters to be heard in a brief adjudicative proceeding include, but are not limited to, the following:

- (a) Failure to file or late filing of required reports~~((:));~~
- (b) Failure to report or accurately report campaign contributions or expenditures or funds spent in lobbying~~((:));~~
- (c) Use of public office facilities in election campaigns when the value of public funds expended was minimal~~((:));~~
- (d) Infractions of political advertising law regarding sponsor identification or political party identification.

(2) The commission may utilize a penalty schedule for brief adjudicative proceedings.

(3) Brief adjudicative proceedings are set forth in RCW 34.05.482 through 34.05.494.

AMENDATORY SECTION (Amending WSR 03-22-065, filed 11/4/03, effective 12/5/03)

**WAC 390-37-142 Brief enforcement hearing (adjudicative proceeding)—Procedure.** (1) A brief adjudicative

proceeding may be presided over by the chair, or a member of the commission designated by the chair.

(2) When a violation, as described in WAC 390-37-140, is alleged, before taking action, the executive director shall send the alleged violator notice, which shall include:

- (a) Alleged violation;
- (b) The maximum amount of the penalty that can be imposed at the hearing, relevant penalty schedules, and the amount of any proposed fine; and
- (c) Person's right to respond either in writing or in person to explain his/her view of the matter.

(3) As provided in RCW 34.05.050, a respondent who has been notified of a brief adjudicative proceeding may waive the hearing by providing the following prior to the hearing:

- (a) A signed statement of understanding;
- (b) Any missing required reports; and
- (c) A penalty payment specified by the executive director in accordance with the penalty authority of WAC 390-37-140 and the brief enforcement hearing penalty schedules of this chapter.

(4) As used in this section, the term "statement of understanding" means a written statement signed by the respondent that:

- (a) Acknowledges a violation of chapter 42.17A RCW and any relevant rules; and
- (b) Expresses the respondent's understanding that the commission will not hold any adjudicative proceeding concerning the violation.

(5) At the time of the hearing if the presiding officer believes alleged violations are of such magnitude as to merit penalties greater than ~~\$(500))~~ 1,000, the presiding officer shall immediately adjourn the hearing and direct the matter be scheduled for an adjudicative proceeding by the full commission.

~~((4))~~ (6) At the time any unfavorable action is taken, within ten business days the presiding officer shall serve upon each party a written statement describing the violation, the reasons for the decision, the penalty imposed, and their right to request review by the commission. The executive director is authorized to sign the decision on behalf of the presiding officer.

~~((5))~~ (7) The written decision of the presiding officer is an initial order. If no review is taken of the initial order, the initial order shall be the final order.

AMENDATORY SECTION (Amending WSR 03-22-065, filed 11/4/03, effective 12/5/03)

**WAC 390-37-155 Electronic filing brief enforcement hearing penalty schedule.**

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to electronically file by date required.	<del>\$(250))</del> <u>350</u>	<del>\$(350))</del> <u>650</u>	<del>\$(500))</del> <u>1,000</u>	Full commission consideration

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer including, but not limited to, payment

of the nonsuspended portion of the penalty within five business days of the date of entry of the order in that case.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes (~~five hundred~~) one thousand dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may

impose a penalty not to exceed the amount of the outstanding penalty, up to (~~five hundred~~) one thousand dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

AMENDATORY SECTION (Amending WSR 05-04-038, filed 1/27/05, effective 2/27/05)

**WAC 390-37-160 Statement of financial affairs (F-1) penalty schedule.**

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file report by date of enforcement hearing.	<del>\$(150)</del> <u>250</u>	<del>\$(300)</del> <u>500</u>	<del>\$(500)</del> <u>1,000</u>	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Did not pay settlement amount.	<del>\$(400)</del> <u>150</u>	<del>\$(200)</del> <u>300</u>	<del>\$(400)</del> <u>600</u>	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	<del>\$(0-\$100)</del> <u>0 - \$150</u>	<del>\$(100-\$200)</del> <u>150 - \$300</u>	<del>\$(200-\$400)</del> <u>300 - \$600</u>	Full commission consideration

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer including, but not limited to, payment of the nonsuspended portion of the penalty within five business days of the date of entry of the order in that case.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes (~~five hundred~~) one thousand dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may

impose a penalty not to exceed the amount of the outstanding penalty, up to (~~five hundred~~) one thousand dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

(6) Cases will automatically be scheduled before the full Commission for an enforcement action when the person:

(a) Was found in violation during a previous reporting period(;) and

(b) The violation remains in effect following any appeals(;) and

(c) The person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

AMENDATORY SECTION (Amending WSR 05-04-038, filed 1/27/05, effective 2/27/05)

**WAC 390-37-165 Candidate registration statement (C-1)/candidate statement of financial affairs (F-1) penalty schedule.**

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file F-1 and/or C-1 by date of enforcement hearing.	<del>\$(150)</del> <u>250</u> per report	<del>\$(300)</del> <u>500</u> per report, up to <del>\$(500)</del> <u>1,000</u>	Full commission consideration	Full commission consideration
Filed reports after hearing notice but before enforcement hearing. Did not pay settlement amount.	<del>\$(400)</del> <u>150</u> per report	<del>\$(200)</del> <u>300</u> per report	<del>\$(400)</del> <u>600</u> per report, up to <u>1,000</u>	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	<del>\$(0-\$100)</del> <u>0 - \$150</u> per report	<del>\$(100-\$200)</del> <u>150 - \$300</u> per report	<del>\$(200-\$400)</del> <u>300 - \$600</u> per report, up to <u>1,000</u>	Full commission consideration

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration including, but not limited to, payment of the nonsuspended portion of the penalty within five business days of the date of entry of the order in that case.

(3) The presiding officer may direct a matter to the full commission if the officer believes ~~((five hundred))~~ one thousand dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may

impose a penalty not to exceed the amount of the outstanding penalty, up to ~~((five hundred))~~ one thousand dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

(6) Cases will automatically be scheduled before the full Commission for an enforcement action when the person:

(a) Was found in violation during a previous reporting period~~((:))~~;

(b) The violation remains in effect following any appeals~~((:))~~; and

(c) The person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

AMENDATORY SECTION (Amending WSR 05-04-038, filed 1/27/05, effective 2/27/05)

**WAC 390-37-170 Lobbyist monthly expense report (L-2) penalty schedule.**

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file report by date of enforcement hearing.	\$ <del>((150))</del> <u>250</u>	\$ <del>((300))</del> <u>500</u>	\$ <del>((500))</del> <u>1,000</u>	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Did not pay settlement amount.	\$ <del>((100))</del> <u>150</u>	\$ <del>((200))</del> <u>300</u>	\$ <del>((400))</del> <u>600</u>	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	\$ <del>((0-100))</del> <u>0 - \$150</u>	\$ <del>((100-200))</del> <u>0 - \$300</u>	\$ <del>((200-400))</del> <u>300 - \$600</u>	Full commission consideration

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer including, but not limited to, payment of the nonsuspended portion of the penalty within five business days of the date of entry of the order in that case. Except in rare circumstances, the nonsuspended portion of the penalty will not be less than the original settlement offer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes ~~((five hundred))~~ one thousand dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise

prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to ~~((five hundred))~~ one thousand dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

(6) Cases will automatically be scheduled before the full Commission for an enforcement action when the person:

(a) Was found in violation during a previous reporting period~~((:))~~;

(b) The violation remains in effect following any appeals~~((:))~~; and

(c) The person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

AMENDATORY SECTION (Amending WSR 05-04-038, filed 1/27/05, effective 2/27/05)

**WAC 390-37-175 Lobbyist employer report (L-3) penalty schedule.**

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file report by date of enforcement hearing.	\$ <del>((150))</del> <u>250</u>	\$ <del>((300))</del> <u>500</u>	\$ <del>((500))</del> <u>1,000</u>	Full commission consideration

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Filed report after hearing notice but before enforcement hearing. Did not pay settlement amount.	<del>\$(100)</del> <u>150</u>	<del>\$(200)</del> <u>300</u>	<del>\$(400)</del> <u>600</u>	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	<del>\$(100)</del> <u>0 - \$150</u>	<del>\$(100 - \$200)</del> <u>150 - \$300</u>	<del>\$(200 - \$400)</del> <u>300 - \$600</u>	Full commission consideration

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer including, but not limited to, payment of the nonsuspended portion of the penalty within five business days of the date of entry of the order in that case.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes ~~((five hundred))~~ one thousand dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to ~~((five hundred))~~ one thousand dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

(6) Cases will automatically be scheduled before the full Commission for an enforcement action when the person:

(a) Was found in violation during a previous reporting period~~((:))~~;

(b) The violation remains in effect following any appeals~~((:))~~; and

(c) The person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

AMENDATORY SECTION (Amending WSR 13-05-014, filed 2/7/13, effective 3/10/13)

**WAC 390-37-182 Penalty factors.** (1) In assessing a penalty, the commission considers the purposes of chapter 42.17A RCW, including the public's right to know of the financing of political campaigns, lobbying and the financial affairs of elected officials and candidates as declared in the policy of RCW 42.17A.001; and, promoting compliance with the law. The commission also considers and applies RCW 42.17A.755 and may consider any of the additional factors described in subsection (3) of this section.

(2) Under RCW 42.17A.755, the commission:

(a) May waive a penalty for a first-time violation;

(b) Shall assess a penalty for a second violation of the same rule by the same person or individual, regardless if the

person or individual committed the violation for a different political committee;

(c) Shall assess successively increased penalties for succeeding violations of the same rule.

(3) In addition to the requirements of RCW 42.17A.755, the commission may consider the nature of the violation and any relevant circumstances, including the following factors:

(a) The respondent's compliance history, including whether the noncompliance was isolated or limited in nature, indicative of systematic or ~~((on going))~~ ongoing problems, or part of a pattern of violations by the respondent, or in the case of a political committee or other entity, part of a pattern of violations by the respondent's officers, staff, principal decision makers, consultants, or sponsoring organization;

(b) The impact on the public, including whether the non-compliance deprived the public of timely or accurate information during a time-sensitive period, or otherwise had a significant or material impact on the public;

(c) Sophistication of respondent~~((or respondent's organization, or size of campaign))~~ or the financing, staffing, or size of the respondent's campaign or organization;

(d) Amount of financial activity by the respondent during the statement period or election cycle;

(e) Whether the noncompliance resulted from a knowing or intentional effort to conceal, deceive or mislead, or violate the law or rule, or from collusive behavior;

(f) Whether the late or unreported activity was significant in amount or duration under the circumstances, including in proportion to the total amount of expenditures by the respondent in the campaign or statement period;

(g) Whether the respondent or ~~((anyone else benefitted))~~ any person, including an entity or organization, benefited politically or economically from the noncompliance;

(h) Personal emergency or illness of the respondent or member of his or her immediate family;

(i) Other emergencies such as fire, flood, or utility failure preventing filing;

(j) Commission staff or equipment error, including technical problems at the agency preventing or delaying electronic filing;

(k) The respondent's demonstrated good-faith uncertainty concerning staff guidance or instructions;

(l) Corrective action or other remedial measures initiated by respondent prior to enforcement action, or promptly taken when noncompliance brought to respondent's attention (e.g., filing missing reports, amending incomplete or inaccurate reports, returning prohibited or overlimit contributions);

~~((H))~~ (m) Whether the respondent is a first-time filer;

~~((m))~~ (n) Good faith efforts to comply, including consultation with commission staff prior to initiation of enforcement action and cooperation with commission staff during enforcement action, and a demonstrated wish to acknowledge and take responsibility for the violation;

~~((n))~~ (o) Penalties imposed in factually similar cases; and~~(-~~

~~((o))~~ (p) Other factors relevant to a particular case.

(4) The commission, and the presiding officer in brief adjudicative proceedings, may consider the factors in ~~((1)-(3))~~ subsections (1) through (3) of this section in determining whether to suspend a portion or all of a penalty upon identified conditions, and whether to accept, reject, or modify a stipulated penalty amount recommended by the parties.

(5) The presiding officer in brief adjudicative proceedings may consider whether any of the factors in ~~((1)-(3))~~ subsections (1) through (3) of this section are factors that warrant directing a case to the full commission.

**AMENDATORY SECTION** (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

**WAC 390-37-030 Enforcement procedures—Citizen complaints filed with the commission.** (1) When a citizen complaint has been filed with the agency pursuant to WAC 390-37-040, neither the complainant nor any other person shall have special standing to participate or intervene in the investigation or consideration of the complaint by the commission. However, the staff shall give notice to the complainant of any open commission hearings on the matter and the complainant may be called as a witness in any enforcement hearing or investigative proceeding. The presiding officer has the discretion to allow comment by a person other than the respondent during the consideration of a complaint by the commission. Any person who wishes to comment should notify staff at least three business days before the proceeding.

(2) The complainant or any other person may submit documentary evidence and/or written factual or legal statements to the staff at any time up to and including the fifth cal-

endar day before the date of any enforcement hearing or proceeding.

(3) A person not satisfied with the dismissal of a complaint by the commission or its executive director may pursue an appropriate remedy under RCW 42.17A.765(4).

**NEW SECTION**

**WAC 390-37-061 Alternative responses to noncompliance—Goals and objectives—Factors to be considered.**

(1) In considering appropriate responses to noncompliance with chapter 42.17A RCW or Title 390 WAC, the commission considers whether a formal investigation or adjudicative proceeding constitutes an efficient and effective use of public funds; or whether an alternative response better meets the commission's mission and public expectations by allowing the expedited resolution of minor and technical alleged violations, and the focusing of staff and commission resources on major alleged violations of chapter 42.17A RCW and Title 390 WAC.

A minor violation occurs when required information is not timely disclosed, however the public is not deprived of critical information.

A technical violation occurs when a good faith effort to comply with disclosure is made, but incomplete information is disclosed.

(2) In authorizing an alternative response to alleged noncompliance, the executive director may consider the nature of the alleged violation and any relevant circumstances including, but not limited to, the factors described in subsection (3) of this section: Provided, That, if after weighing the relevant circumstances and factors, the executive director determines that there is evidence that so warrants, the allegations shall be addressed through a formal investigation as provided by WAC 390-37-060.

(3) The factors the executive director may consider in permitting an alternative response to noncompliance, a formal investigation, or an adjudicative proceeding include, but are not limited to:

<b>An alternative response to noncompliance may be appropriate if ...</b>	<b>A formal investigation and possible adjudicative hearing may be appropriate if ...</b>
It appears that noncompliance resulted from a good-faith error, omission, or misunderstanding.	It appears that the noncompliance may have resulted from a knowing or intentional effort to conceal, deceive or mislead, or violate the law or rule, or from collusive behavior.
The respondent is a first-time filer.	The respondent has experience in complying with the applicable requirements.
The respondent's compliance history indicates the noncompliance was isolated or limited in nature, and not indicative of systematic or ongoing problems.	The noncompliance is part of a pattern of violations by the respondent, or in the case of a political committee or other entity, part of a pattern of violations by the respondent's officers, staff, principal decision makers, consultants, or sponsoring organization.
The impact of the noncompliance on the public was minimal.	The noncompliance deprived the public of timely or accurate information during a time-sensitive period in a campaign, legislative session, etc., or otherwise had a significant or material impact on the public.

An alternative response to noncompliance may be appropriate if ...	A formal investigation and possible adjudicative hearing may be appropriate if ...
The respondent's organization or campaign was relatively unsophisticated or small.	The respondent or the respondent's organization or campaign demonstrated a relatively high level of sophistication, or was well financed and staffed.
The total expenditures by the respondent in the campaign or statement period were relatively modest.	The campaign or statement period involved significant expenditures by the respondent.
The amount of late-reported activity, or the duration of the untimely disclosure, was small in proportion to the amount of activity that was timely reported by the respondent.	The late or unreported activity was significant in amount or duration under the circumstances, including in proportion to the total amount of expenditures by the respondent in the campaign or statement period.
There is no evidence that any person, including an entity or organization, benefited politically or economically from the noncompliance.	It appears the respondent or anyone else benefited politically or economically from the noncompliance.
Personal emergency or illness of the respondent or member of his or her immediate family contributed to the noncompliance.	There are no circumstances that appear to mitigate or appropriately explain the late reporting or other noncompliance.
Other emergencies such as fire, flood, or utility failure prevented compliance.	There are no circumstances that appear to mitigate or appropriately explain the late reporting or other noncompliance.
Commission staff or equipment error, including technical problems at the agency prevented or delayed electronic filing.	Commission staff or equipment error did not appear to contribute to the noncompliance.
The noncompliance resulted from the respondent's demonstrated good-faith uncertainty concerning staff guidance or instructions, a lack of clarity in the rule or statute, or uncertainty concerning the valid application of the commission's rules.	It appears the respondent understood the application of staff's guidance or instructions, and did not dispute the valid application of the commission's rules.
The respondent quickly took corrective action or initiated other remedial measures prior to any complaint, or when noncompliance was brought to respondent's attention (e.g., filing missing reports, amending incomplete or inaccurate reports, returning prohibited or over limit contributions).	The respondent appeared negligent or unwilling to address the noncompliance.
The respondent made a good-faith effort to comply, including by consulting with commission staff following a complaint and cooperating during any preliminary investigation, or demonstrated a wish to acknowledge and take responsibility for the alleged violation.	The respondent failed to provide a timely or adequate response to the complaint, or was otherwise uncooperative.
The alleged violation was or is being addressed under an analogous local ordinance, regulation, or policy.	The commission has primary jurisdiction over the alleged violation.
The alleged violation presents a new question or issue for the commission's interpretation.	The alleged violation does not present a case of first impression.
Other factors relevant to a particular case	

**NEW SECTION**

**WAC 390-37-075 Deferred enforcement—Process.**

(1) As provided by WAC 390-37-060, the chair or the chair's designee commissioner may authorize deferred enforcement:

- (a) Following a formal investigation, in lieu of a notice of administrative charges for an adjudicative proceeding; or
- (b) After a notice of administrative charges, prior to an adjudicative proceeding.

(2) The executive director will recommend to the chair the conditions of a deferred enforcement. The conditions shall be clearly defined and agreed to by the respondent,

along with the consequences for failure to meet the conditions of the deferral. Negotiations regarding deferred enforcement shall be informal and without prejudice to rights of a participant in the negotiations.

(3) With concurrence of the chair or the chair's designee commissioner, the executive director or designee (commission staff) shall memorialize the pertinent facts and the conditions of the deferral in writing to the respondent, together with the consequences for failure to meet the conditions of the deferral. The agreement shall be signed by staff and the respondent. Staff shall notify the respondent that any admin-

istrative charges issued in the matter are stayed pending satisfaction of the deferral conditions.

(4) Once the deferral conditions are met, the complaint shall be dismissed with no further investigation or action as provided by WAC 390-37-070.

(5) If the deferral conditions are not met, the complaint shall proceed in accordance with WAC 390-37-060.

**WSR 16-01-024**  
**PERMANENT RULES**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2015-07—Filed December 7, 2015,  
2:56 p.m., effective January 7, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: In August 2014 the commissioner adopted rules providing guidance to insurance producers as to what may or may not constitute sharing of commissions with non-licensed persons. During the 2015 legislative session, legislation (ESSB 5743) was enacted that amended some of the statutes regarding what constitutes rebates and inducements, which impacts the rules adopted by the commissioner in 2014. Therefore, these rules amend the 2014 rules (by repeal and adoption of new sections) to conform to the legislation.

Citation of Existing Rules Affected by this Order: Repealing WAC 284-17-800, 284-17-820, and 284-17-830.

Statutory Authority for Adoption: RCW 48.02.060 and 48.17.005.

Other Authority: RCW 48.17.490.

Adopted under notice filed as WSR 15-21-049 on October 16, 2015.

A final cost-benefit analysis is available by contacting Jim Tompkins, P.O. Box 40260, Olympia, WA 98504-0260, phone (360) 725-7036, fax (360) 586-3109, e-mail rules coordinator@oic.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 0, Repealed 3.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 0, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 0, Repealed 3.

Date Adopted: December 6, 2015.

Mike Kreidler  
Insurance Commissioner

NEW SECTION

**WAC 284-17-805 Charitable contributions.** (1) An insurance producer may pay or assign all or a portion of a commission, fee, or other consideration received in connection with the sale, solicitation, or negotiation of insurance to a bona fide charitable or nonprofit organization as defined in chapter 48.30 RCW if all of the following conditions are met:

(a) The insured or prospective insured has no influence over which bona fide charitable or nonprofit organization receives the payment or assignment;

(b) The payment or assignment is not made in the insured's or prospective insured's name;

(c) The insured or prospective insured is not entitled to a tax benefit for the payment or assignment; and

(d) The insured or prospective insured does not select or influence the selection of the person or persons who benefit from the bona fide charitable or nonprofit organization.

(2) An insurance producer may sponsor events for, or make contributions to a bona fide charitable or nonprofit organization if the sponsorship or contribution is not conditioned upon any person affiliated with or interested in the bona fide charitable or nonprofit organization applying for or obtaining insurance through the insurance producer.

(3) An insurance producer may not sponsor events for or make contributions to a bona fide charitable or nonprofit organization if the sponsorship or contribution is conditioned upon the referral of insurance business to the insurance producer or endorsement of the insurance producer or insurance product by the bona fide charitable or nonprofit organization.

NEW SECTION

**WAC 284-17-825 Referrals.** (1) An unlicensed individual who receives referral compensation under RCW 48.30.133(1) or a referral fee under RCW 48.30.133(4) is not selling, soliciting, or negotiating insurance if all of the following conditions are met:

(a) The referral compensation or fee does not depend upon whether the referral results in a purchase or sale;

(b) If insurance is purchased, the purchase is not a factor in determining the value of the referral compensation or the amount of the referral fee; and

(c) The recipient of the referral compensation or fee does not make representations to the prospective insured about the terms of or specific need for a policy.

(2) Referral compensation given to an individual under RCW 48.30.133(1) is limited to no more than one hundred dollars in value per referring individual in any consecutive twelve-month period.

NEW SECTION

**WAC 284-17-835 Promotional games of chance.** An insurance producer may conduct a promotional game of chance provided that:

(1) The promotional game of chance is undertaken solely for the purpose of advertising and promoting the insurance producer;

(2) No person eligible to receive the prize is required to apply for insurance, purchase insurance, refer a person to the

insurance producer, or pay any other consideration to enter the promotional game of chance;

(3) The promotional game of chance is open to the general public;

(4) The value of the prize is limited to one hundred dollars in value;

(5) No person receives a total of prizes exceeding one hundred dollars in value in the aggregate in any consecutive twelve-month period from the insurance producer; and

(6) The promotional game of chance complies with chapter 9.46 RCW and any and all other applicable Washington state statutes and rules.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-17-800 Charitable contributions.  
WAC 284-17-820 Referrals.  
WAC 284-17-830 Promotional games of chance.

#### **WSR 16-01-033**

##### **PERMANENT RULES**

#### **HEALTH CARE AUTHORITY**

(Washington Apple Health)

[Filed December 8, 2015, 3:52 p.m., effective January 8, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The agency amended WAC 182-540-030 to fix a broken hyperlink and replace an incorrect WAC reference.

Citation of Existing Rules Affected by this Order: WAC 182-540-030.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 15-20-101 on October 6, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 8, 2015.

Wendy Barcus  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 13-23-065, filed 11/18/13, effective 1/1/14)

**WAC 182-540-030 Kidney disease program (KDP)—Resource eligibility.** (1) The person's household must have countable resources at or below the limits established for the qualified medicare beneficiary (QMB) program for the person to be eligible for the kidney disease program. QMB resource standards for an individual and a couple are listed at: ((<http://www.hca.wa.gov/medicaid/eligibility/documents/incomestandards.pdf>)) <http://www.hca.wa.gov/medicaid/eligibility/pages/standards.aspx>.

(2) See WAC 182-540-021 to determine who must be included in the household when making a determination of whose resources count.

(3) The following resources are not counted:

(a) A home, defined as real property owned by a client as their principal place of residence together with surrounding and contiguous property;

(b) Household furnishings;

(c) One burial plot per household member or irrevocable burial plans with a mortuary;

(d) Up to one thousand five hundred dollars for a person or three thousand dollars for a couple set aside in a revocable burial account;

(e) Any resource which is specifically excluded by federal law.

(4) The agency follows rules for SSI-related medicaid determinations described in WAC 182-512-0200 through 182-512-0550 when determining whether any other resources are countable with the exception of subsection (5) of this section.

(5) The agency follows rules in chapter ((182-515)) 182-516 WAC when a person owns a trust, an annuity, or a life estate.

#### **WSR 16-01-034**

##### **PERMANENT RULES**

#### **HEALTH CARE AUTHORITY**

(Washington Apple Health)

[Filed December 8, 2015, 3:56 p.m., effective January 8, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This filing is necessary to correct an incorrect cross-citation.

Citation of Existing Rules Affected by this Order: Amending WAC 182-505-0210.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 15-20-100 on October 6, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.



Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 8, 2015.

Wendy Barcus  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 15-15-153, filed 7/21/15, effective 8/21/15)

**WAC 182-505-0210 Washington apple health—Eligibility for children.** (1) Unless otherwise stated in this section, a child is a person age eighteen or younger (including the month the child turns nineteen). To be eligible for one of the Washington apple health (WAH) for kids programs, a child must:

(a) Be a resident of Washington state under WAC 182-503-0520 and 182-503-0525;

(b) Provide a Social Security number (SSN) under WAC 182-503-0515 unless exempt; and

(c) Meet any additional requirements listed for the specific program.

(2) Children younger than age one are eligible for WAH categorically needy (CN) coverage, without a new application, when they are born to a mother who is eligible for WAH:

(a) On the date of the newborn's birth, including a retroactive eligibility determination; or

(b) Based on meeting a medically needy (MN) spenddown liability with expenses incurred by the date of the newborn's birth.

(3) Children are eligible for WAH at no cost when they:

(a) Have countable family income that is no more than two hundred ten percent of the federal poverty level (FPL) under WAC 182-505-0100;

(b) Are currently eligible for supplemental security income (SSI); or

(c) Received SSI payments in August 1996 and would continue to be eligible for those payments except for the August 1996 passage of amendments to federal disability definitions.

(4) Children are eligible for premium-based WAH under WAC 182-505-0215 when they:

(a) Have countable family income that is not more than three hundred twelve percent of FPL under WAC 182-505-0100;

(b) Do not have other creditable health insurance under WAC 182-500-0020; and

(c) Pay the required monthly premiums under WAC 182-505-0225.

(5) Children are eligible for WAH home and community based waiver programs under chapter 182-515 WAC when they:

(a) Meet citizenship or immigration status under WAC (~~182-503-0525~~) 182-503-0535;

(b) Meet SSI-related eligibility requirements under chapter 182-512 WAC; and

(c) Meet program-specific age requirements.

(6) Children are eligible for the WAH long-term care program when they meet the institutional program rules under chapter 182-513 or 182-514 WAC, and either:

(a) Reside or are expected to reside in a medical institution, intermediate care facility for the intellectually disabled (ICF/ID), hospice care center, or nursing home for thirty days or longer; or

(b) Reside or are expected to reside in an institution for mental diseases (IMD) (as defined in WAC 182-500-0050(1)) or inpatient psychiatric facility:

(i) For ninety days or longer and are age seventeen or younger; or

(ii) For thirty days or longer and are age eighteen through twenty-one.

(7) Children are eligible for the WAH-MN program under WAC 182-519-0100 when they:

(a) Meet citizenship or immigrant status under WAC 182-503-0535;

(b) Have countable family income that exceeds three hundred twelve percent of FPL under WAC 182-505-0100; or

(c) Have countable family income that is more than two hundred ten percent of FPL, but are not eligible for premium-based WAH as described in subsection (4) of this section because of creditable coverage; and

(d) Meet a spenddown liability under WAC 182-519-0110, if required.

(8) Children are eligible for WAH SSI-related programs under chapter 182-512 WAC when they:

(a) Meet citizenship or immigration status under WAC 182-503-0535;

(b) Meet SSI-related eligibility under chapter 182-512 WAC; and

(c) Meet an MN spenddown liability under WAC 182-519-0110, if required.

(9) Children who are not eligible for WAH under subsections (5) through (8) of this section because of their immigration status, are eligible for the WAH alien emergency medical program if they:

(a) Meet the eligibility requirements of WAC 182-507-0110;

(b) Have countable family income:

(i) That exceeds three hundred twelve percent of FPL under WAC 182-505-0100; or

(ii) That is more than two hundred ten percent of FPL, but they are not eligible for premium-based WAH, as described in subsection (4) of this section because of creditable coverage; and

(c) Meet a spenddown liability under WAC 182-519-0110, if required.

(10) Children who are in foster care or receive subsidized adoption services are eligible for coverage under the WAH foster care program described in WAC 182-505-0211.

(11) Children who are incarcerated in a public institution (as defined in WAC 182-500-0050(4)) that is not an IMD, are

not eligible for any WAH program unless they are receiving inpatient hospital services outside of the public institution.

(12) Children who reside in a public institution that is an IMD are eligible for WAH under this section but are not eligible to receive inpatient hospital services outside of the IMD unless they are unconditionally discharged from the IMD before receiving the services.

**WSR 16-01-035**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**

[Filed December 9, 2015, 10:00 a.m., effective January 1, 2016]

Effective Date of Rule: January 1, 2016.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The department is adopting these rules with an effective date of January 1 because these rules provide rates used for refunds and property valuations during 2015.

Purpose:

- WAC 458-18-220 Refunds—Rate of interest, provides the rate of interest that applies to tax refunds made pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100, and also to judgments entered in favor of the plaintiff pursuant to RCW 84.68-030. This rule has been amended to provide the rate of interest to be used when refunding property taxes paid in 2015.
- WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component, provides the interest rate and the property tax component used to value farm and agricultural lands classified under chapter 84.34 RCW (open space program). This rule has been amended to be used when valuing classified farm and agricultural land during the 2015 assessment year.
- WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation, provides the rate of inflation used to calculate interest on deferred special benefit assessments when farm and agricultural or timber land is removed or withdrawn from classification under chapter 84.34 RCW (open space program). This rule has been amended to provide the rate of inflation used in calculating interest for deferred special benefit assessments of land removed or withdrawn during 2015.

Citation of Existing Rules Affected by this Order: Amending WAC 458-18-220 Refunds—Rate of interest, 458-30-262 Agricultural land valuation—Interest rate—Property tax component, and 458-30-590 Rate of inflation—Publication—Interest rate—Calculation.

Statutory Authority for Adoption: RCW 84.34.360, 84.34.065, 84.34.141, and 84.69.100.

Adopted under notice filed as WSR 15-20-095 on October 6, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: December 9, 2015.

Kevin Dixon  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-01-166, filed 12/23/14, effective 1/1/15)

**WAC 458-18-220 Refunds—Rate of interest.** The following rates of interest shall apply on refunds of taxes made pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100. The following rates shall also apply to judgments entered in favor of the plaintiff pursuant to RCW 84.68.030. The interest rate is derived from the equivalent coupon issue yield of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted after June 30th of the calendar year preceding the date the taxes were paid. The rate thus determined shall be applied to the amount of the judgment or the amount of the refund, until paid:

Year tax paid	Auction Year	Rate
1984	1983	9.29%
1985	1984	11.27%
1986	1985	7.36%
1987	1986	6.11%
1988	1987	5.95%
1989	1988	7.04%
1990	1989	8.05%
1991	1990	8.01%
1992	1991	5.98%
1993	1992	3.42%
1994	1993	3.19%
1995	1994	4.92%
1996	1995	5.71%
1997	1996	5.22%
1998	1997	5.14%
1999	1998	5.06%
2000	1999	4.96%
2001	2000	5.98%
2002	2001	3.50%

Year tax paid	Auction Year	Rate	COUNTY	PERCENT	COUNTY	PERCENT
2003	2002	1.73%	Garfield	<del>((0.93))</del> <u>0.99</u>	Spokane	1.38
2004	2003	0.95%	Grant	<del>((1.33))</del> <u>1.29</u>	Stevens	<del>((0.98))</del> <u>0.97</u>
2005	2004	1.73%	Grays Harbor	<del>((1.27))</del> <u>1.31</u>	Thurston	<del>((1.31))</del> <u>1.30</u>
2006	2005	3.33%	Island	<del>((0.95))</del> <u>0.93</u>	Wahkiakum	<del>((0.94))</del> <u>0.98</u>
2007	2006	5.09%	Jefferson	<del>((1.02))</del> <u>1.01</u>	Walla Walla	<del>((1.33))</del> <u>1.32</u>
2008	2007	4.81%	King	<del>((1.16))</del> <u>1.06</u>	Whatcom	<del>((1.16))</del> <u>1.14</u>
2009	2008	2.14%	Kitsap	<del>((1.24))</del> <u>1.20</u>	Whitman	1.42
2010	2009	0.29%	Kittitas	<del>((0.98))</del> <u>0.99</u>	Yakima	<del>((1.26))</del> <u>1.22</u>
2011	2010	0.21%	Klickitat	<del>((0.95))</del> <u>0.98</u>		
2012	2011	0.08%				
2013	2012	0.15%				
2014	2013	0.085%				
2015	2014	0.060%				
<u>2016</u>	<u>2015</u>	<u>0.085%</u>				

AMENDATORY SECTION (Amending WSR 15-01-166, filed 12/23/14, effective 1/1/15)

**WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component.** For assessment year ~~((2015))~~ 2016, the interest rate and the property tax component that are to be used to value classified farm and agricultural lands are as follows:

- (1) The interest rate is ~~((4.45))~~ 4.46 percent; and
- (2) The property tax component for each county is:

COUNTY	PERCENT	COUNTY	PERCENT
Adams	<del>((1.26))</del> <u>1.27</u>	Lewis	<del>((1.11))</del> <u>1.13</u>
Asotin	<del>((1.21))</del> <u>1.18</u>	Lincoln	<del>((1.17))</del> <u>1.19</u>
Benton	1.17	Mason	1.15
Chelan	<del>((1.10))</del> <u>1.11</u>	Okanogan	<del>((1.04))</del> <u>1.06</u>
Clallam	<del>((1.12))</del> <u>1.08</u>	Pacific	<del>((1.32))</del> <u>1.38</u>
Clark	<del>((1.38))</del> <u>1.29</u>	Pend Oreille	<del>((0.90))</del> <u>0.91</u>
Columbia	<del>((1.11))</del> <u>1.13</u>	Pierce	1.52
Cowlitz	<del>((1.24))</del> <u>1.23</u>	San Juan	<del>((0.68))</del> <u>0.69</u>
Douglas	<del>((1.15))</del> <u>1.14</u>	Skagit	<del>((1.21))</del> <u>1.23</u>
Ferry	<del>((0.95))</del> <u>0.97</u>	Skamania	<del>((1.03))</del> <u>1.07</u>
Franklin	<del>((1.29))</del> <u>1.26</u>	Snohomish	<del>((1.24))</del> <u>1.21</u>

AMENDATORY SECTION (Amending WSR 15-01-166, filed 12/23/14, effective 1/1/15)

**WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation.** (1) **Introduction.** This ~~((section))~~ rule sets forth the rates of inflation discussed in WAC 458-30-550. It also explains the department of revenue's obligation to annually publish a rate of inflation and the manner in which this rate is determined.

(2) **General duty of department—Basis for inflation rate.** Each year the department determines and publishes a rule establishing an annual rate of inflation. This rate of inflation is used in computing the interest that is assessed when farm and agricultural or timber land, which are exempt from special benefit assessments, is withdrawn or removed from current use classification.

(a) The rate of inflation is based upon the implicit price deflator for personal consumption expenditures calculated by the United States Department of Commerce. This rate is used to calculate the rate of interest collected on exempt special benefit assessments.

(b) The rate is published by December 31st of each year and applies to all withdrawals or removals from farm and agricultural or timber land classification that occur the following year.

(3) **Assessment of rate of interest.** An owner of classified farm and agricultural or timber land is liable for interest on the exempt special benefit assessment. Interest accrues from the date the local improvement district is created until the land is withdrawn or removed from classification. Interest accrues and is assessed in accordance with WAC 458-30-550.

(a) Interest is assessed only for the time (years and months) the land remains classified under RCW 84.34.020 (2) or (3).

(b) If the classified land is exempt from the special benefit assessment for more than one year, the annual inflation rates are used to calculate an average rate of interest. This average is determined by adding the inflation rate for each year the classified land was exempt from the special benefit assessment after the local improvement district was created. The sum of the inflation rates is then divided by the number of years involved to determine the applicable rate of interest.

(c) Example. A local improvement district for a domestic water supply system was created in January 1990 and the owner used the statutory exemption provided in RCW 84.34.320. On July 1, 1997, the land was removed from the farm and agricultural classification. An average interest rate was calculated using the inflation rates for 1990 through 1997. The owner was then notified of the amount of previously exempt special benefit assessment, plus the average interest rate.

(4) **Rates of inflation.** The rates of inflation used to calculate the interest as required by WAC 458-30-550 are as follows:

YEAR	PERCENT	YEAR	PERCENT
1976	5.6	1977	6.5
1978	7.6	1979	11.3
1980	13.5	1981	10.3
1982	6.2	1983	3.2
1984	4.3	1985	3.5
1986	1.9	1987	3.7
1988	4.1	1989	4.8
1990	5.4	1991	4.2
1992	3.3	1993	2.7
1994	2.2	1995	2.3
1996	2.2	1997	2.1
1998	0.85	1999	1.42
2000	2.61	2001	1.89
2002	1.16	2003	1.84
2004	2.39	2005	2.54
2006	3.42	2007	2.08
2008	4.527	2009	-0.85 (negative)
2010	1.539	2011	2.755
2012	1.295	2013	1.314
2014	1.591	<u>2015</u>	<u>0.251</u>

**WSR 16-01-037**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**

[Filed December 9, 2015, 10:20 a.m., effective January 9, 2016]

Effective Date of Rule: Thirty-one days after filing.  
 Purpose:

- WAC 458-20-179 (Rule 179) explains the public utility tax (PUT) imposed by chapter 82.16 RCW. The department has revised Rule 179 to include in the list of rules in the introduction a reference to WAC 458-20-13501 Timber harvest operations, and the words "log transportation" in Part I (101).
- WAC 458-20-180 (Rule 180) explains the tax reporting responsibilities of persons engaged in the business of transporting by motor vehicle persons or property for hire. The department has revised Rule 180 to add a new subsection (3) "What is a log transportation business?" and removed outdated information.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 458-20-179 Public utility tax and 458-20-180 Motor carriers.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Adopted under notice filed as WSR 15-20-099 on October 6, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: December 9, 2015.

Kevin Dixon  
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-04-047, filed 1/29/15, effective 3/1/15)

**WAC 458-20-179 Public utility tax. Introduction.** This rule explains the public utility tax (PUT) imposed by chapter 82.16 RCW. The PUT is a tax for engaging in certain public service and transportation businesses within this state.

The department of revenue (department) has adopted other rules that relate to the application of PUT. Readers may want to refer to rules in the following list (~~of rules~~):

- (1) WAC 458-20-104(~~(?)~~) Small business tax relief based on income of business;
- (2) WAC 458-20-121(~~(?)~~) Sales of heat or steam—Including production by cogeneration;
- (3) WAC 458-20-13501 Timber harvest operations;
- (4) WAC 458-20-175(~~(?)~~) Persons engaged in the business of operating as a private or common carrier by air, rail or water in interstate or foreign commerce;
- ~~((4))~~ (5) WAC 458-20-180(~~(?)~~) Motor carriers;
- ~~((5))~~ (6) WAC 458-20-192(~~(?)~~) Indians—Indian country;

~~((6))~~ (7) WAC 458-20-193D~~(-)~~ Transportation, communication, public utility activities, or other services in interstate or foreign commerce; and

~~((7))~~ (8) WAC 458-20-251~~(-)~~ Sewerage collection and other related activities.

This rule contains examples (~~(which)~~ that) identify a number of facts and then state a conclusion. The examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

### Part I - General Information

(101) **Persons subject to the public utility tax.** The PUT is imposed by RCW 82.16.020 on certain public service and transportation businesses including railroad, express, railroad car, water distribution, sewerage collection, light and power, telegraph, gas distribution, motor transportation, urban transportation, log transportation, vessels under sixty-five feet in length operating upon the waters within the state of Washington, and tugboat businesses.

(a) **Hauling by watercraft.** Income from hauling persons or property for hire by watercraft between points in Washington is subject to one of two PUT classifications, depending on the nature of the service. Income from:

- Operating tugboats of any size, and the sale of transportation services by vessels sixty-five feet and over, is subject to tax under the "other public service business" PUT classification.

- The sale of transportation services using vessels under sixty-five feet, other than tugboats, is subject to tax under the "vessels under sixty-five feet" public utility tax classification.

These classifications do not include sightseeing tours, fishing charters, or activities (~~(which)~~ that) are in the nature of guided tours where the tour may include some water transportation. Persons engaged in providing tours should refer to WAC 458-20-258, Travel agents and tour operators.

(b) **Other businesses subject to the public utility tax.** The PUT also applies to any other public service business subject to control by the state, or having the powers of eminent domain, or any business declared by the legislature to be of a public service nature, unless the activity is subject to tax under chapter 82.04 RCW, Business and occupation (B&O) tax.

(i) The phrase "subject to control by the state" means control by the utilities and transportation commission or any other state agency required by law to exercise control of a business of a public service nature regarding rates charged or services rendered. Examples of other public service businesses include, but are not limited to: Airplane transportation, boom, dock, ferry, pipeline, toll bridge, water transportation, and wharf businesses. RCW 82.16.010.

(ii) Persons engaged in the same business activities as the businesses described above are subject to the PUT even if they are not publicly recognized as providing that type of service or the amount of income from these activities is not substantial. For example, an industrial manufacturing company that owns and operates a well, and that sells a relatively small amount of water to its wholly owned subsidiary, is subject to the PUT as a water distribution business on its sales of water.

(c) **Are amounts derived from interest and penalties taxable?** Amounts charged to customers as interest or penalties are generally subject to the service and other activities B&O tax. This includes interest charged for failure to timely pay for utility services or for incidental services. Incidental services include for example meter installation or other activities which are performed prior to the customer receiving utility services. Any interest or penalty resulting from the failure to timely pay a local improvement district or utility local improvement district assessment is not subject to public utility or B&O taxes.

(102) **Tax rates and measure of tax.** The rates of tax for each business activity subject to the PUT are imposed under RCW 82.16.020 and set forth on appropriate lines of the state public utility tax addendum for the excise tax return. The measure of the PUT is the gross income of the business. The term "gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental to that business. No deduction may be taken on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discounts, delivery costs, taxes, or any other expense whatsoever paid or accrued, nor on account of losses. RCW 82.16.010(3).

(103) **Persons subject to public utility tax may also be subject to B&O tax.** The B&O tax does not apply to any business activities for which PUT is specifically imposed, including amounts derived from activities for which a deduction from the PUT is available under RCW 82.16.050. RCW 82.04.310(1). However, many persons engaged in business activities subject to the PUT are also engaged in other business activities subject to B&O tax.

For example, a gas distribution company operating a system for the distribution of natural gas for sale may also make retail sales of gas appliances. The gas distribution company is subject to the PUT on its distribution of natural gas to consumers. (~~(However,)~~ It) is also subject to retailing B&O tax and must collect and remit retail sales tax on its retail sales of gas appliances. Repairs of customer owned appliances (~~(would)~~ are) also (~~(be considered)~~) a retailing activity (~~(and)~~) subject to retail sales tax.

In distinguishing gross income taxable under the PUT from gross income taxable under the B&O tax, the department is guided by the uniform system of accounts established for the specific type of utility concerned. Because of differences in the uniform systems of accounts established for various types of utility businesses, such guides are not controlling for the purposes of classifying revenue under the Revenue Act.

(104) **Charges for service connections, line extensions, and other similar services.**

(a) For existing customers, amounts derived from services that are incidental to a public utility activity are subject to PUT. Thus, amounts received for the following are subject to PUT:

- (i) Service connection, start-up, and testing fees;
- (ii) Charges for line extensions, repairs, raisings, and/or drops;
- (iii) Meter or pole replacement;
- (iv) Meter reading or load factor charges; and

(v) Connecting or disconnecting.

(b) For new customers, amounts received for any of the services noted above in Part (104)(a) of this rule are subject to service and other activities B&O tax.

A "new customer" is a customer who previously has not received the utility service at the location. For example, a customer of a water distribution company who currently receives water at a residence and constructs a new residence at a different location is considered a "new customer" with respect to any meter installation services performed at the new residence, until the customer actually receives water at that location. It is immaterial that this customer may be receiving water at the old residence. The charge for installing the meter for this customer at the new location is subject to service and other activities B&O tax.

(105) **Contributions of equipment or facilities.** Contributions to a utility business in the form of equipment or facilities are not considered income to the utility business, if the contribution is a condition of receiving service.

(a) **Example 1.** An industrial customer purchases and pays sales tax on transformers it installs. The customer then provides the transformers to a public utility district as a condition of receiving future service. The public utility district is not subject to the PUT or B&O tax on the receipt of the transformers. Use tax is not owed by the utility district as the customer paid sales tax at the time of purchase.

(b) **Example 2.** For a water or sewerage collection business, the value of pipe, valves, pumps, or similar items provided by a developer for purposes of servicing the developed area is likewise not subject to PUT or B&O tax.

## Part II - Exemptions, Deductions, and Nontaxable Receipts

(201) **Exemptions.** This subsection describes PUT exemptions. Also see subsections in this rule that discuss specific utilities.

(a) **Income exemption.** Persons subject to the PUT are exempt from the payment of the tax if their taxable income from utility activities does not meet a minimum threshold. RCW 82.16.040. For detailed information about this exemption, refer to WAC 458-20-104, Small business tax relief based on income of business.

(b) **Ride sharing.** RCW 82.16.047 exempts amounts received in the course of commuter ride sharing or ride sharing for persons with special transportation needs in accordance with RCW 46.74.010. For detailed information about this exemption, refer to WAC 458-20-261, Commute trip reduction incentives.

(c) **State route number 16.** RCW 82.16.046 exempts amounts received from operating state route number 16 corridor transportation systems and facilities constructed and operated under chapter 47.46 RCW.

(202) **Deductions.** In general, costs of doing business are not deductible under the PUT. However, RCW 82.16.050 (~~does~~) provides for limited deductions. This subsection describes a number of (~~PUT~~) those deductions. The deductible amounts should be included in the gross income reported on the state public utility tax addendum for the excise tax return and then deducted on the deduction detail page to determine the amount of taxable income. Deductions taken

but not identified on the appropriate deduction detail page may be disallowed. Also see Parts III and IV of this rule, which identify additional deductions available to power and light, gas distribution, and water distribution businesses.

(a) **Cash discounts.** The amount of cash discount actually taken by the purchaser or customer is deductible under RCW 82.16.050(4).

(b) **Credit losses.** The amount of credit losses actually sustained by taxpayers whose regular books of account are kept on an accrual basis is deductible under RCW 82.16.050(5). For additional information regarding credit losses see WAC 458-20-196, Bad debts.

(c) **Taxes.** Amounts derived by municipally owned or operated public service businesses directly from taxes levied for their support are deductible under RCW 82.16.050(1). However, service charges that are spread on the property tax rolls and collected as taxes are not deductible.

Local improvement district and utility local improvement district assessments, including interest and penalties on such assessments, are not income because they are exercises of the jurisdiction's taxing authority. These assessments may be composed of a share of the costs of capital facilities, installation labor, connection fees, etc.

(d) **Prohibitions imposed by federal law or the state or federal constitutions.** Amounts derived from business that the state is prohibited from taxing under federal law or the state or federal constitutions are deductible under RCW 82.16.050(6).

(e) **Sales of commodities for resale.** Amounts derived from the sale of commodities to persons in the same public service business as the seller, for resale within this state, are deductible under RCW 82.16.050(2). This deduction is allowed only with respect to water distribution, gas distribution, or other public service businesses that furnish water, gas, or any other commodity in the performance of a public service business. For example, income from the sale of natural gas by a gas distributing company to natural gas companies located in Washington, who resell the gas to their customers, is deductible from the gas distributing company's gross income.

(f) **Services furnished jointly.** In general, costs of doing business are not deductible under the PUT. However, RCW 82.16.050(3) allows a deduction for amounts actually paid by a taxpayer to another person taxable under the PUT as the latter's portion of the consideration due for services furnished jointly by both, provided the full amount paid by the customer for the service is received by the taxpayer and reported as gross income subject to the PUT. The services must be furnished jointly by both the taxpayer and another person taxable under the PUT.

**Example 1.** Manufacturing Company hires ABC Transport (ABC) to haul goods from Tacoma to a manufacturing facility in Bellingham. ABC subcontracts part of the haul to XYZ Freight (XYZ) and has XYZ haul the goods from Tacoma to Everett, where the goods are loaded into ABC's truck and transported to Bellingham. Assuming all other requirements of the deduction are met, ABC may deduct the payments it makes to XYZ from its gross income as XYZ's portion of the consideration paid by Manufacturing Company for transportation services furnished jointly by both ABC and

XYZ. See WAC 458-20-180 for additional information on motor carriers.

**Example 2.** Dakota Electricity Generator (DEG) sells electricity to Mod Industrial Firm (MIF). DEG hires Wheeler #1 to transmit the electricity from DEG to MIF. Wheeler #1 subcontracts a portion of the transmission service to Wheeler #2.

- Wheeler #1 and Wheeler #2 are jointly furnishing transmission services to DEG. Assuming all other requirements of the deduction are met, Wheeler #1 may claim a "services jointly provided" deduction in the amount paid to Wheeler #2.

- DEG may not claim a "services jointly provided" deduction for the amount DEG paid Wheeler #1. DEG and Wheeler #1 are *not* jointly furnishing a service to MIF. DEG is selling electricity to MIF, and Wheeler #1 is selling transmission services to DEG.

**Example 3.** City A's water department purchases water from City B's water department. City A sells the water to its customers. City A may not take a deduction for its payment to City B's water department as "services jointly provided." The sale of water by City A to its customers is not a service jointly provided to City A's customers by both City A and City B.

City B, however, may take a deduction under RCW 82.16.050(2) for its sales of water to City A since this is a sale of commodities to a person in the same public service business, for resale within this state.

(203) **Nontaxable amounts.** The following amounts are not considered taxable income.

(a) **Insurance claim amounts.** Amounts received from insurance companies in payment of losses, which are distinguishable from amounts received to settle contract payment disagreements.

(b) **Payment of damages.** Amounts received from individuals and others in payment of damages caused by them to the utility's plant or equipment.

(c) **Amounts from eminent domain proceedings or governmental action.** Amounts received as compensation for compensatory or involuntary taking of facilities of a public utility, by the exercise of eminent domain or governmental action, are considered liquidated damages.

### Part III - Light and Power Business

(301) **Light and power business.** Public utility tax is imposed by RCW 82.16.020 on gross income from providing light and power services. Light and power business means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale. RCW 82.16.010.

(302) **Requirements for light and power businesses.** RCW 82.16.090 requires that customer billings issued by light and power businesses serving more than twenty thousand customers include the following information:

(a) The rates and amounts of taxes paid directly by the customer (~~upon~~) on products or services rendered by such business; and

(b) The rate, origin, and approximate amount of each tax levied (~~upon~~) on the revenue of such business which has been added as a component of the amount charged to the cus-

tomers. This does not include taxes levied by the federal government or taxes levied under chapters 54.28, 80.24, or 82.04 RCW.

(303) **Wheeling of electricity.** "Wheeling of electricity" is the activity of delivering or distributing electricity owned by others using power lines and equipment of the person doing the wheeling. Income from wheeling electricity is subject to the PUT.

(304) **Exchanges of electricity by light and power businesses.** There is no specific exemption that applies to an "exchange" of electrical energy or its rights. However, exchanges of electrical energy between light and power businesses (~~do~~) qualify for deduction in computing the PUT as (~~being~~) sales of power to another light and power business for resale. RCW 82.16.050(11). An exchange is a transaction that is considered to be a sale and involves a delivery or transfer of energy or its rights by one party to another for which the second party agrees, subject to the terms and conditions of the agreement, to deliver electrical energy at the same or another time. Examples of deductible exchange transactions include, but are not limited to, the following:

(a) The exchange of electric power for electric power between one light and power business and another light and power business;

(b) The transmission of electric power by one light and power business to another light and power business pursuant to the agreement for coordination of operations among power systems of the Pacific Northwest executed as of September 15, 1964;

(c) The acquisition of electric power by the Bonneville Power Administration (BPA) for resale to its Washington customers in the light and power business;

(d) The residential exchange of electric power entered into between a light and power business and the administrator of the BPA pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, P.L. 96-501, Sec. 5(c), 16 U.S.C. Sec. 839c. In some cases, power is not physically transferred, but the purpose of the residential exchange is for BPA to pay a "subsidy" to the exchanging utilities. These subsidies are considered a nontaxable adjustment (rebate or discount) for purchases of power from BPA.

(305) **Exemptions.** The following exemptions are available for sales of electricity, and are in addition to the general exemptions found in Part II of this rule.

(a) **Sales of electricity to an electrolytic processor.** RCW 82.16.0421 provides an exemption for sales of electricity made by light and power businesses to chlor-alkali electrolytic processing businesses or sodium chlorate electrolytic processing businesses for the electrolytic process. This exemption, which is scheduled to expire June 30, 2019, applies to sales of electricity made by December 31, 2018.

The exemption does not apply to amounts received from the remarketing or resale of electricity originally obtained by contract for the electrolytic process.

(i) **Exemption certificate required.** To claim the exemption, the chlor-alkali electrolytic processing business or the sodium chlorate electrolytic processing business must provide the light and power business with an exemption certificate. RCW 82.16.0421. A certificate can be obtained from the department's web site at: [dor.wa.gov](http://dor.wa.gov).

(ii) **Annual report requirement.** RCW 82.16.0421 requires taxpayers receiving the benefit of this tax preference to file an annual report by April 30th of the year following any calendar year in which a taxpayer becomes eligible to claim the tax preference. See RCW 82.32.534 for more information on the annual report requirement for tax preferences.

(iii) **Qualification requirements.** To qualify all the following requirements must be met:

(A) The electricity used in the electrolytic process must be separately metered from the electricity used for the general operations of the business;

(B) The price charged for the electricity used in the electrolytic process must be reduced by an amount equal to the tax exemption available to the light and power business; and

(C) Disallowance of all or part of the exemption is a breach of contract and the damages to be paid by the chlor-alkali electrolytic processing business or the sodium chlorate electrolytic processing business is the amount of the tax exemption disallowed.

(b) **Sales of electricity to aluminum smelters.** RCW 82.16.0498 provides an exemption to be taken in the form of a credit. The credit is allowed if the contract for sale of electricity to an aluminum smelter specifies that the price charged for the electricity will be reduced by an amount equal to the credit. The exemption does not apply to amounts received from the remarketing or resale of electricity originally obtained by contract for the smelting process. The credit allowed is the same amount as the utility tax that would otherwise have been due under RCW 82.16.020.

(c) **BPA credits or funds.** Effective June 10, 2010, through June 30, 2015, RCW 82.04.310 (~~(exempts)~~) exempted from the B&O tax credits or payments received by persons from the BPA, for the purpose of implementing energy conservation programs or demand-side management programs. This exemption (~~(is scheduled to expire)~~) expired June 30, 2015, and credits or payments received on or after July 1, 2015, are subject to the B&O tax under the service and other activities classification.

(306) **Deductions.** The following deductions are available for sales of electricity, and are in addition to the general deductions found in Part II of this rule.

(a) **Sales of electricity for resale or for consumption outside Washington.** Amounts derived from the production, sale, or transfer of electrical energy for resale within or outside the state of Washington or for consumption outside the state are deductible under RCW 82.16.050(11). These sales of electricity are also not subject to the manufacturing B&O tax. RCW 82.04.310.

(b) **Low density light and power businesses.** RCW 82.16.053 provides a deduction for light and power businesses having seventeen or fewer customers per mile of distribution power lines with retail power rates that exceed the state average power rate. The statute requires the department to determine the state average electric power rate each year and make this rate available to these businesses. This rate and additional information regarding this deduction can be found (~~(via)~~) on the department's web site at: dor.wa.gov.

(c) **Conservation - Electrical energy and gas.** RCW 82.16.055 provides deductions relating to the production or generation of energy from cogeneration or renewable

resources, and for measures to improve the efficiency of energy end-use.

(i) **Restrictions.** (~~(The below mentioned)~~) Use of the deductions (~~(are)~~) is subject to the following restrictions:

(A) They apply only to new facilities for the production or generation of energy from cogeneration or renewable energy resources or measures to improve the efficiency of energy end-use on which construction or installation was begun after June 12, 1980, and before January 1, 1990;

(B) The measures or projects must be, at the time they are placed in service, reasonably expected to save, produce, or generate energy at a total incremental system cost per unit of energy delivered to end-use which is less than or equal to the incremental system cost per unit of energy delivered to end-use from similarly available conventional energy resources that utilize nuclear energy or fossil fuels and that the gas or electric utility could acquire to meet energy demand in the same time period; and

(C) They may be taken for a period not exceeding thirty years after the project is placed in operation. Any recurring costs determined to be eligible for deduction under this rule will cease to be eligible in whole or part at the time of termination of any energy conservation measure or project that originally authorized the deduction under RCW 82.16.055.

(ii) **What can be deducted.** The following may be deducted from a taxpayer's gross income:

(A) Amounts equal to the cost of production at the plant for consumption within the state of Washington of electrical energy produced or generated from cogeneration as defined in RCW 82.08.02565;

(B) Amounts equal to the cost of production at the plant for consumption within the state of Washington of electrical energy or gas produced or generated from renewable energy resources such as solar energy, wind energy, hydroelectric energy, geothermal energy, wood, wood wastes, municipal wastes, agricultural products and wastes, and end-use waste heat;

(C) Amounts expended to improve consumers' efficiency of energy end-use or to otherwise reduce the use of electrical energy or gas by the consumer;

(D) Amounts received by a utility as a contribution for the installation of service, and later refunded to the customer, are deductible from gross income at the time the amounts are refunded;

(E) Production expenses, eligible fuel costs and book depreciation of capital costs. Eligible fuel costs are all fuels if used for cogeneration or nonfossil fuel costs if not a cogeneration facility.

(307) **Credits.** Credit is available to light and power businesses that make contributions to an electric utility rural economic development revolving fund. The credit is equal to fifty percent of contributions made during a fiscal year to an electric utility rural economic development revolving fund.

(a) Light and power businesses may take a credit up to twenty-five thousand dollars, not to exceed the PUT that would normally be due, against their public utility tax liability each fiscal year for contributions made.

(b) Expenditures from the electric utility rural economic development revolving fund must be made solely on qualify-



ing projects, in a designated qualifying rural area. For additional information see RCW 82.16.0491.

(c) The total amount of credits available statewide on a fiscal year basis for all qualified businesses is three hundred fifty thousand dollars. The department will allow earned credits on a first-come, first-served basis. The right to earn these tax credits expired June 30, 2011. Unused earned credits may be carried forward to subsequent years provided the department has given prior approval.

#### Part IV - Gas and Water Distribution Businesses

(401) **Gas distribution.** Gross income received for the distribution of gas is taxable under PUT as provided by RCW 82.16.020. Gas distribution business means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural. RCW 82.16.010. See Part II for general exemptions and deductions that may apply to gas distribution.

(402) **Requirements for gas distribution businesses.** RCW 82.16.090 requires that customer billings issued by gas distribution businesses serving more than twenty thousand customers include the following information:

(a) The rates and amounts of taxes paid directly by the customer (~~upon~~) on products or services rendered by such business; and

(b) The rate, origin, and approximate amount of each tax levied (~~upon~~) on the revenue of such business which has been added as a component of the amount charged to the customer. This does not include taxes levied by the federal government or taxes levied under chapters 54.28, 80.24, or 82.04 RCW.

(c) In addition to the general exemptions and deductions noted in Part II of this rule, the law provides the following:

(i) **Sales of natural or manufactured gas to aluminum smelters.** RCW 82.16.0498 provides an exemption to be taken in the form of a credit for sales of natural or manufactured gas to aluminum smelters. The credit is allowed if the contract for sale of gas to an aluminum smelter specifies that the price charged for the gas will be reduced by an amount equal to the credit. The credit allowed is the same amount as the utility tax that would otherwise have been due under RCW 82.16.020.

(ii) **Conservation - Energy from gas.** RCW 82.16.055 provides deductions for the production or generation of energy from cogeneration or renewable resources and for measures to improve the efficiency of energy end-use. See subsection (306)(c) of this rule.

(iii) **Compressed natural gas and liquefied natural gas used as transportation fuel.**

(A) Effective July 1, 2015, RCW 82.16.310 (~~exempts from PUT income from~~) provides an exemption for sales by a gas distribution business of natural gas, compressed natural gas, and liquefied natural gas if the:

(I) Compressed natural gas or liquefied natural gas is sold or used as transportation fuel; or

(II) Buyer uses natural gas to manufacture compressed natural gas or liquefied natural gas to be sold or used as transportation fuel.

(B) The buyer must provide and the seller must retain an exemption certificate. See the department's web site at:

dor.wa.gov for the "Purchases of Natural Gas for Use as Transportation Fuel" form. RCW 82.16.310.

(C) Although sales of natural gas, compressed natural gas, and liquefied natural gas may be exempt under RCW 82.16.310, the income from such sales may be subject to other taxes such as business and occupation tax and retail sales tax.

(D) For the purpose of this subsection, "transportation fuel" means fuel for the generation of power to propel a motor vehicle as defined in RCW 46.04.320, a vessel as defined in RCW 88.02.310, or a locomotive or railroad car.

(403) **Water distribution.** PUT is imposed on amounts derived from the distribution of water under RCW 82.16.020. Water distribution business means the business of operating a plant or system for the distribution of water for hire or sale. RCW 82.16.010. In addition to the general exemptions and deductions noted in Part II of this rule, the law provides the following:

(a) **Water distribution by a nonprofit water association.** Amounts derived from the distribution of water by a nonprofit water association and used for capital improvements, related to the water distribution service, by that association are deductible under RCW 82.16.050(12).

(b) **Distribution of irrigation water.** Amounts derived from the distribution of water through an irrigation system, for irrigation purposes, are deductible under RCW 82.16.050(7). The phrase "for irrigation purposes" means water (~~that is~~) used solely for nourishing plant life. Thus, when a water distribution business supplies potable water and some of the water is segregated and separately supplied solely for the nourishing of plant life as opposed to water supplied for domestic, municipal, or industrial uses, charges for such separately supplied irrigation water may be deducted from gross income subject to PUT.

To meet the "irrigation system" requirement, a water distribution business must demonstrate that its distribution system has turnouts or similar connections for irrigation purposes that are separate from service hookups or similar connections for domestic, industrial, or municipal uses. Under the appropriate circumstances, the use of separate meters and cross-connection or back flow devices may be evidence of such separate connections.

AMENDATORY SECTION (Amending WSR 13-14-121, filed 7/3/13, effective 8/3/13)

**WAC 458-20-180 Motor carriers. (1) Introduction.** This rule explains the tax reporting responsibilities of persons engaged in the business of transporting by motor vehicle persons or property for hire. It explains transportation business and the application of public utility tax (PUT), business and occupation (B&O), and retail sales taxes to persons engaged in the business.

(a) **Examples.** This rule contains examples (~~which~~) that identify a number of facts and then state a conclusion. The examples should be used only as a general guide. The tax results of other situations must be determined after a review of all (~~of~~) the facts and circumstances.

(b) **References to related rules.** The department of revenue (department) has adopted other rules that relate to the

application of the PUT. Readers may want to refer to the rules in the following list:

(i) WAC 458-20-104(~~(c)~~) Small business tax relief based on income of business;

(ii) WAC 458-20-13501(~~(c)~~) Timber harvest operations(~~(, which provides guidance regarding hauling of logs)~~);

(iii) WAC 458-20-171(~~(c)~~) Building, repairing or improving streets, roads, etc., which are owned by a municipal corporation or political subdivision of the state or by the United States and which are used primarily for foot or vehicular traffic;

(iv) WAC 458-20-174(~~(c)~~) Sales of motor vehicles, trailers, and parts to motor carriers operating in interstate or foreign commerce;

(v) WAC 458-20-175(~~(c)~~) Persons engaged in the business of operating as a private or common carrier by air, rail or water in interstate or foreign commerce;

(vi) WAC 458-20-178(~~(c)~~) Use tax and the use of tangible personal property;

(vii) WAC 458-20-179(~~(c)~~) Public utility tax; and

(viii) WAC 458-20-193D(~~(c)~~) Transportation, communication, public utility activities, or other services in interstate or foreign commerce.

(2) **What is a motor transportation business?** A "motor transportation business" is a business operating any motor propelled vehicle transporting persons or property of others for hire and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company, common carrier, or contract carrier as defined by RCW 81.68.010 and 81.80.010. ~~((f))~~See RCW 82.16.010.~~(g)~~ The term "motor transportation business" does not include any "urban transportation business" as described in subsection ~~((3))~~ (4) of this rule.

(a) It includes hauling for hire any extracted or manufactured material, over the state's highways and over private roads but does not include:

(i) The transportation of logs or other forest products exclusively ~~((upon))~~ on private roads or private highways (which is subject to the service B&O tax, e.g., see WAC 458-20-13501(~~(c)~~) Timber harvest operations); and

(ii) ~~((Effective July 1, 2009,))~~ A log transportation business~~(, see RCW 82.16.010~~(g)~~)~~ as described in subsection (3) of this rule.

(b) It does not include the hauling of any earth or other substance excavated or extracted from or taken to the right of way of a publicly owned street, place, road, or highway, by a person taxable under the public road construction B&O tax classification, regardless of whether or not the earth moving portion is separately stated. ~~((f))~~See WAC 458-20-171 for more information.~~(g)~~

(3) **What is a log transportation business?** A "log transportation business" means the business of transporting logs by truck, except when such transportation meets the definition of urban transportation business or occurs exclusively on private roads. See RCW 82.16.010. Effective August 1, 2015, RCW 82.16.020 provides a preferential public utility tax rate for log transportation businesses.

(4) **What is an urban transportation business?** An "urban transportation business" is a business operating any

vehicle for public use in the transportation of persons or property for hire, when:

- Operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof; or

- Operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof.

(a) **The five mile standard.** "Operating entirely within five miles of the corporate limits thereof" means the five-mile standard is applied on a straight line from the corporate limits and not based on road mileage. It is immaterial how many miles the carrier travels from the origin to the termination of the haul as long as the origin and the termination of the haul are within five miles of the corporate limits. ~~((f))~~See RCW 82.16.010.~~(g)~~

(b) **What is included in urban transportation?** Urban transportation includes, but is not limited to, the business of operating passenger vehicles of every type and also the business of operating cartage, pickup or delivery services, including the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property. See subsection ~~((6))~~ (7)(d) of this rule for deduction information for interstate transportation of persons or property.

(c) **What is not urban transportation?** Urban transportation does not include the business of operating any vehicle for transporting persons or property for hire when the origin or termination is more than five miles beyond the corporate limits of any city (or contiguous cities) through which it passes. Thus an operation extending from a city to a point which is more than five miles beyond its corporate limits does not constitute urban transportation. This is true even if the route is through intermediate cities ~~((which))~~ that enable the vehicle to always be within five miles of a city's corporate limits. See subsection (2) of this rule for "What is a motor transportation business?"

~~((4))~~ (5) **What does "motor transportation" and "urban transportation" include?** Motor and urban transportation include the business of operating motor-driven vehicles, ~~((upon))~~ on public roads, used in transporting persons or property belonging to others, on a for-hire basis. These terms include the business of:

(a) Operating taxicabs, armored cars, and contract mail delivery vehicles, but do not include the businesses of operating auto wreckers or towing vehicles (taxable as sales at retail under RCW 82.04.050), school buses, ambulances, nor the collection and disposal of solid waste (taxable under the service and other activities B&O tax classification); and

(b) Renting or leasing trucks, trailers, buses, automobiles, and similar motor vehicles to others for use in the conveyance of persons or property when as an incident of the rental contract such motor vehicles are operated by the lessor or by an employee of the lessor.

~~((5))~~ (6) **Why is the distinction between the motor and urban transportation classifications important?** These tax classifications have different tax rates and it is important to segregate the gross income of each activity. The gross income of persons engaged in the business of motor

transportation (~~((have their gross income))~~) is taxed under the motor transportation PUT classification. The gross income of persons engaged in the business of urban transportation (~~((have their gross income))~~) is taxed under the urban transportation PUT classification. The gross income of persons engaged in both urban and motor transportation (~~((have their gross income))~~) is taxed under the motor transportation classification, unless the revenue is segregated as shown by their records.

~~((6))~~ **(7) Are deductions available?** Income, as described below, ~~((can))~~ may be deducted from the taxable amounts reported, provided the amounts were originally included in the gross income. See WAC 458-20-179 for generally applicable deductions for PUT, such as bad debt and cash discount.

(a) **Fees and charges for public transportation services.** RCW 82.16.050~~((14))~~ provides a deduction for amounts derived from fees or charges imposed on persons for transit services provided by a public transportation agency. Public transportation agencies must spend an amount equal to the tax reduction provided by this deduction solely to:

- Adjust routes to improve access for citizens using food banks and senior citizen services; or
- To extend or add new routes to assist low-income citizens and seniors.

(b) **Services furnished jointly.** In general, costs of doing business are not deductible under the public utility tax (PUT). However, RCW 82.16.050~~((3))~~ does allow a deduction for amounts actually paid by a taxpayer to another person taxable under the PUT as the latter's portion of the consideration due for services furnished jointly by both, provided the full amount paid by the customer for the service is received by the taxpayer and reported as gross income subject to the PUT.

This includes the amount paid to a ferry company for the transportation of a vehicle and its contents (but not amounts paid to state owned or operated ferries) when the vehicle is carrying freight or passengers for hire and is being operated by a person engaged in the business of motor or urban transportation. This does not include amounts paid for transporting such vehicles over toll bridges.

**Example~~((+))~~ 1.** A customer hires ABC Transport (ABC) to haul goods from Tacoma to a manufacturing facility in Bellingham. ABC subcontracts part of the haul to XYZ Freight (XYZ) and has XYZ haul the goods from Tacoma to Everett where the goods are loaded into ABC's truck and transported to Bellingham. Assuming all other requirements of the deduction are met, ABC may deduct the payments it makes to XYZ from its gross income as XYZ's portion of the consideration paid by the customer for transportation services furnished jointly by ABC and XYZ.

(c) **Transportation of commodities to export facilities.** Income received from transporting commodities from points of origin in this state to an export elevator, wharf, dock, or ship side on tidewater or its navigable tributaries is deductible under RCW 82.16.050~~((9))~~. The deduction is only available when the commodities are forwarded, without intervening transportation, by vessel, in their original form, to interstate or foreign destinations. However, this deduction is not available when the point of origin and the point of deliv-

ery to the export elevator, wharf, dock, or ship side are located within the corporate limits of the same city or town.

(i) **Example ~~((+))~~ 2.** AB Transport moves freight by tug and barge from points in Washington to terminal facilities at tidewater ports in Washington. The freight is subsequently shipped from the ports by vessel to interstate and foreign destinations. AB Transport may deduct the gross income from these shipments under RCW 82.16.050~~((9))~~.

(ii) **Example ~~((2+))~~ 3.** ABC Trucking hauls widgets from the manufacturing plant to a storage area (~~((which))~~) that is adjacent to the dock. The storage area is quite large and the widgets are moved from the storage area to alongside the ship in time for loading. The widgets are loaded on the ship and then transported to a foreign country. ABC Trucking may take a deduction for the amounts received for transporting the widgets from the manufacturer to the storage area. The movement of the widgets within the storage area is not considered ~~((to be))~~ "intervening transportation," but is part of the stevedoring activity.

(iii) **Example ~~((3+))~~ 4.** ABC Trucking hauls several types of widgets from the manufacturing plant to a "staging area" where the widgets are sorted. After sorting, XY Hauling transports some of the widgets from the staging area to local buyers and other widgets to the dock (~~((which))~~) that is located approximately five miles from the staging area where the widgets are immediately loaded on a vessel for shipment to Japan. The dock and staging area are not within the corporate city limits of the same city. ABC Trucking may not take a deduction for amounts received for hauling widgets to the staging area. Even though some of the widgets ultimately were exported, ABC Trucking did not deliver the widgets to the dock where the widgets were loaded on a vessel.

However, XY Hauling may take a deduction for the gross income for hauls from the staging area to the dock. The widgets were loaded on the vessel in their original form with no additional processing. The haul also did not originate or terminate within the corporate city limits of the same city or town. All the conditions were met for XY Hauling to claim the deduction.

(d) **Interstate transportation of persons or property.** Income received from transporting persons or property by motor transportation equipment where either the origin or destination of the haul is outside the state of Washington is deductible. The interstate movement originates or terminates at the point where the transport obligation of the interstate carrier begins or ends. See WAC 458-20-193D for additional information on interstate activities. Transportation provided within the state prior to the point of origin of the interstate movement or subsequent to the point of destination within this state is wholly intrastate and not deductible.

**Example~~((+))~~ 5.** Airport B Shuttle provides transportation to and from the airport for persons departing or arriving from destinations (~~((which))~~) that may or may not be out of state. This service is not incidental to any interstate movement and thus gross income is taxable under either motor or urban transportation.

(e) **Interstate transportation of commodities.** Income received from the transportation of commodities from points of origin in this state to final destination outside this state, or from points of origin outside this state to final destination in

this state are deductible under RCW 82.16.050(~~((8))~~) where the carrier grants to the shipper the privilege of stopping the shipment in transit at some point in this state for the purpose of storing, manufacturing, milling, or other processing, and thereafter forwards the same commodity, or its equivalent, in the same or converted form, under a through freight rate from point of origin to final destination.

(f) **Transportation of agricultural commodities.** Certain income received from the transportation of agricultural commodities can be deducted when the commodities do not include manufactured substances or articles. For the income to be deducted, the commodities must be transported from points of origin in the state to interim storage facilities in this state for transshipment, without intervening transportation, to an export elevator, wharf, dock, or ship side on tidewater or its navigable tributaries to be forwarded, without intervening transportation, by vessel, in their original form, to interstate or foreign destinations. If agricultural commodities are transshipped from interim storage facilities in this state to storage facilities at a port on tidewater or its navigable tributaries, the same agricultural commodity dealer must operate both the interim storage facilities and the storage facilities at the port. RCW 82.16.050(~~((40))~~).

(i) The deduction under this subsection is available only when the person claiming the deduction obtains a completed "Certificate of Agricultural Commodity Shipped to Interstate and Foreign Destinations" from the agricultural commodity dealer operating the interim storage facilities.

(ii) A blank certificate can be found (~~(via)~~) on the department's (~~(Internet)~~) web site at (~~(http://)~~)dor.wa.gov. The form may also be obtained by contacting the department's telephone information center at 1-800-647-7706, or by writing the department at:

Taxpayer Information and Education  
Department of Revenue  
P.O. Box 47478  
Olympia, WA 98504-7478

~~((7))~~ **(8) Exemption for income from persons with special transportation needs.** RCW 82.16.047 provides an exemption from PUT for amounts received for providing commuter share riding or ride sharing for persons with special transportation needs in accordance with RCW 46.74.010. Transportation must be provided by a public social service agency or a private, nonprofit transportation provider as defined in RCW 81.66.010.

~~((8))~~ **(9) Business activities other than hauling.** Persons engaged in the business of motor or urban transportation may also receive income from other business activities. The tax consequences of this income is generally based on whether or not these services are performed as a part of or are incidental to the hauling activity, or are services where the taxpayer does not haul the shipment.

(a) **Handling and other services that are a part of or incidental to the hauling activity.** When a person performs activities such as packing, crating, loading or unloading of goods that the person is hauling for the customer, those services are considered to be performed as a part of the hauling activity, or are services incidental to the haul itself. The gross

income from those services is taxed in the same manner as the hauling activity, e.g., motor or urban transportation.

**Example(~~(+)~~) 6.** Mary hires Luke's Packing & Hauling Co. (Luke's) to load, haul, and unload her belongings at a local storage facility just a couple of miles down the street from the city apartment she is vacating. Luke's will report the gross income from Mary under the urban transportation PUT classification.

(b) **Handling and other services that are not a part of or incidental to the hauling activity.**

(i) If a person engaged in hauling activities packs, crates, loads, or unloads goods that the person is not also hauling for the customer, the gross income from these activities will generally be subject to service and other activities B&O tax.

**Example(~~(+)~~) 7.** James hires Luke's Packing & Hauling (Luke's) to wrap, pack, and crate his belongings in preparation for long-term storage. Luke's will not be hauling James' belongings as Haul and Storage Inc. has been hired to pick up the belongings and put them in their storage facility. Luke's will report the gross income for wrapping, packing, and crating James' belongings under the service and other activities B&O tax classification.

(ii) A person engaged in hauling activities may also perform services that are not a part of or are separate from the hauling activity. The gross income from these activities is not subject to the motor or urban transportation PUT, but is instead subject to tax based on the nature of the activity and other provisions of the law.

**Example(~~(+)~~) 8.** Affordable Hauling and Storage (Affordable) hauls products for hire and also operates a warehouse. Big Manufacturing Company (Big) hires Affordable to pick-up and deliver products to and from Affordable's warehouse for long-term storage. Affordable charges Big for the hauling services as they occur and also separately invoices Big a monthly fee for storing the products. The income from the hauling services is subject to the motor transportation or urban transportation PUT classification, as the case may be. The monthly storage charges are subject to the warehousing B&O tax classification. (~~((f))~~)See WAC 458-20-182 for an explanation of the tax-reporting responsibilities of warehouse businesses. (~~((j))~~)

(c) **Sales, leases, or rentals of tangible personal property by motor carriers.** Persons engaged in either motor or urban transportation may also sell, lease, or rent tangible personal property, such as forklifts or trailers. Gross income from the sale, lease, or rental of tangible personal property without an operator to a consumer, is subject to retailing B&O and retail sales taxes, unless a specific exemption applies. If the sale is a sale for resale, the sale is subject to the wholesaling B&O tax classification. (~~((See WAC 458-20-211 for more))~~) For information regarding the tax reporting responsibilities of persons that lease or rent tangible personal property see WAC 458-20-211. (~~((j))~~)

If the sale, lease, or rental of the property qualifies for one of the retail sales tax exemptions for equipment used in interstate commerce provided by RCW 82.08.0262 or 82.08.-0263 (e.g., as may be the case with a trailer used in interstate commerce), the retailing of interstate transportation equipment B&O tax classification applies. (~~((See))~~) Refer to WAC 458-20-174 for information on limited exemptions (~~((f))~~)

that may apply to motor carriers operating in interstate or foreign commerce.((†))

~~((9))~~ **(10) Purchases of tangible personal property.** Persons engaged in the business of motor or urban transportation must pay retail sales tax to their vendors when purchasing motor vehicles, trailers, parts, equipment, tools, supplies, and other tangible personal property for use in conducting their business. ~~((See))~~ Refer to WAC 458-20-174 for limited exemptions ~~((for))~~ that may apply to motor carriers operating in interstate or foreign commerce.((†))

~~((10))~~ **(11) Purchases made for rental or lease to others.** Persons buying motor vehicles, trailers and similar equipment solely for the purpose of renting or leasing the same without an operator are making purchases for resale. ~~((For sales made on or after January 1, 2010,))~~ The seller must obtain a copy of the buyer's reseller permit from the buyer to document the wholesale nature of any sale as provided in WAC 458-20-102 ~~((†))~~ Reseller permits ~~((Resale certificates used prior to January 1, 2010, must be kept on file by the seller for five years from the date of last use or until December 31, 2014))~~.

### WSR 16-01-039

#### PERMANENT RULES

#### HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed December 9, 2015, 11:44 a.m., effective January 9, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The agency is creating WAC 182-531-2020 to allow for an enhanced payment for professional services associated with implanting or insertion of long-acting reversible contraceptives (LARC). In addition, the agency is defining LARC in WAC 182-531-0050.

Citation of Existing Rules Affected by this Order: Amending WAC 182-531-0050.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 15-22-104 on November 4, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 1, Repealed 0.

Date Adopted: December 9, 2015.

Wendy Barcus  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 12-16-061, filed 7/30/12, effective 11/1/12)

**WAC 182-531-0050 Physician-related services definitions.** The following definitions and abbreviations and those found in chapter 182-500 WAC, apply to this chapter.

**"Acquisition cost"** - The cost of an item excluding shipping, handling, and any applicable taxes.

**"Acute care"** - Care provided for clients who are not medically stable. These clients require frequent monitoring by a health care professional in order to maintain their health status. See also WAC 246-335-015.

**"Acute physical medicine and rehabilitation (PM&R)"** - A comprehensive inpatient and rehabilitative program coordinated by a multidisciplinary team at an agency-approved rehabilitation facility. The program provides twenty-four hour specialized nursing services and an intense level of specialized therapy (speech, physical, and occupational) for a diagnostic category for which the client shows significant potential for functional improvement (see WAC 182-550-2501).

**"Add-on procedure(s)"** - Secondary procedure(s) that are performed in addition to another procedure.

**"Admitting diagnosis"** - The medical condition responsible for a hospital admission, as defined by ~~((ICD-9-M))~~ the ICD diagnostic code.

**"Advanced registered nurse practitioner (ARNP)"** - A registered nurse prepared in a formal educational program to assume an expanded health services provider role in accordance with WAC 246-840-300 and 246-840-305.

**"Aging and disability services administration (ADSA)"** - The administration that administers directly or contracts for long-term care services ~~((;))~~ including, but not limited to, nursing facility care and home and community services. See WAC 388-71-0202.

**"Allowed charges"** - The maximum amount reimbursed for any procedure that is allowed by the agency.

**"Anesthesia technical advisory group (ATAG)"** - An advisory group representing anesthesiologists who are affected by the implementation of the anesthesiology fee schedule.

**"Bariatric surgery"** - Any surgical procedure, whether open or by laparoscope, which reduces the size of the stomach with or without bypassing a portion of the small intestine and whose primary purpose is the reduction of body weight in an obese individual.

**"Base anesthesia units (BAU)"** - A number of anesthesia units assigned to a surgical procedure that includes the usual ~~((pre-operative, intra-operative, and post-operative))~~ preoperative, intraoperative, and postoperative visits. This includes the administration of fluids and/or blood incident to the anesthesia care, and interpretation of noninvasive monitoring by the anesthesiologist.

**"Bundled services"** - Services integral to the major procedure that are included in the fee for the major procedure. Bundled services are not reimbursed separately.

**"Bundled supplies"** - Supplies which are considered to be included in the practice expense RVU of the medical or surgical service of which they are an integral part.

**"By report (BR),"** see WAC 182-500-0015.

**"Call"** - A face-to-face encounter between the client and the provider resulting in the provision of services to the client.

**"Cast material maximum allowable fee"** - A reimbursement amount based on the average cost among suppliers for one roll of cast material.

**"Center of excellence (COE)"** - A hospital, medical center, or other health care provider that meets or exceeds standards set by the agency for specific treatments or specialty care.

**"Centers for Medicare and Medicaid Services (CMS),"** see WAC 182-500-0020.

**"Certified registered nurse anesthetist (CRNA)"** - An advanced registered nurse practitioner (ARNP) with formal training in anesthesia who meets all state and national criteria for certification. The American Association of Nurse Anesthetists specifies the national certification and scope of practice.

**"Children's health insurance plan (CHIP),"** see chapter 182-542 WAC.

**"Clinical Laboratory Improvement Amendment (CLIA)"** - Regulations from the U.S. Department of Health and Human Services that require all laboratory testing sites to have either a CLIA registration or a CLIA certificate of waiver in order to legally perform testing anywhere in the U.S.

**"Conversion factors"** - Dollar amounts the agency uses to calculate the maximum allowable fee for physician-related services.

**"Covered service"** - A service that is within the scope of the eligible client's medical care program, subject to the limitations in this chapter and other published WAC.

**"CPT,"** see "current procedural terminology."

**"Critical care services"** - Physician services for the care of critically ill or injured clients. A critical illness or injury acutely impairs one or more vital organ systems such that the client's survival is jeopardized. Critical care is given in a critical care area, such as the coronary care unit, intensive care unit, respiratory care unit, or the emergency care facility.

**"Current procedural terminology (CPT)"** - A systematic listing of descriptive terms and identifying codes for reporting medical services, procedures, and interventions performed by physicians and other practitioners who provide physician-related services. CPT is copyrighted and published annually by the American Medical Association (AMA).

**("Diagnosis code"** - A set of numeric or alphanumeric characters assigned by the ICD-9-CM, or successor document, as a shorthand symbol to represent the nature of a disease.)

**"Emergency medical condition(s),"** see WAC 182-500-0030.

**"Emergency services"** - Medical services required by and provided to a patient experiencing an emergency medical condition.

**"Estimated acquisition cost (EAC)"** - The agency's best estimate of the price providers generally and currently pay for drugs and supplies.

**"Evaluation and management (E&M) codes"** - Procedure codes which categorize physician services by type of service, place of service, and patient status.

**"Expedited prior authorization"** - The process of obtaining authorization that must be used for selected services, in which providers use a set of numeric codes to indicate to the agency which acceptable indications, conditions, diagnoses, and/or criteria are applicable to a particular request for services.

**"Experimental"** - A term to describe a procedure, or course of treatment, which lacks sufficient scientific evidence of safety and effectiveness. See WAC 182-531-0550. A service is not "experimental" if the service:

(1) Is generally accepted by the medical profession as effective and appropriate; and

(2) Has been approved by the FDA or other requisite government body, if such approval is required.

**"Federally approved hemophilia treatment center"** - A hemophilia treatment center (HTC) which:

(1) Receives funding from the U.S. Department of Health and Human Services, Maternal and Child Health Bureau National Hemophilia Program;

(2) Is qualified to participate in 340B discount purchasing as an HTC;

(3) Has a U.S. Center for Disease Control (CDC) and prevention surveillance site identification number and is listed in the HTC directory on the CDC web site;

(4) Is recognized by the Federal Regional Hemophilia Network that includes Washington state; and

(5) Is a direct care provider offering comprehensive hemophilia care consistent with treatment recommendations set by the Medical and Scientific Advisory Council (MASAC) of the National Hemophilia Foundation in their standards and criteria for the care of persons with congenital bleeding disorders.

**"Fee-for-service,"** see WAC 182-500-0035.

**"Flat fee"** - The maximum allowable fee established by the agency for a service or item that does not have a relative value unit (RVU) or has an RVU that is not appropriate.

**"Geographic practice cost index (GPCI)"** - As defined by Medicare, means a Medicare adjustment factor that includes local geographic area estimates of how hard the provider has to work (work effort), what the practice expenses are, and what malpractice costs are. The GPCI reflects one-fourth the difference between the area average and the national average.

**"Global surgery reimbursement,"** see WAC 182-531-1700.

**"HCPCS Level II"** - Health care common procedure coding system, a coding system established by Centers for Medicare and Medicaid Services (CMS) to define services and procedures not included in CPT.

**"Health care financing administration common procedure coding system (HCPCS)"** - The name used for the Centers for Medicare and Medicaid Services (formerly known as the Health Care Financing Administration) codes made up of CPT and HCPCS level II codes.

**"Health care team"** - A group of health care providers involved in the care of a client.

**"Hospice"** - A medically directed, interdisciplinary program of palliative services which is provided under arrangement with a Title XVIII Washington licensed and certified Washington state hospice for terminally ill clients and the clients' families.

**"~~(ICD-9-CM) ICD,~~"** see "International Classification of Diseases(~~(9th Revision, Clinical Modification)~~)."

**"Informed consent"** - That an individual consents to a procedure after the provider who obtained a properly completed consent form has done all of the following:

(1) Disclosed and discussed the client's diagnosis; and  
(2) Offered the client an opportunity to ask questions about the procedure and to request information in writing; and

(3) Given the client a copy of the consent form; and

(4) Communicated effectively using any language interpretation or special communication device necessary per 42 C.F.R. Chapter IV 441.257; and

(5) Given the client oral information about all of the following:

(a) The client's right to not obtain the procedure, including potential risks, benefits, and the consequences of not obtaining the procedure; and

(b) Alternatives to the procedure including potential risks, benefits, and consequences; and

(c) The procedure itself, including potential risks, benefits, and consequences.

**"Inpatient hospital admission"** - An admission to a hospital that is limited to medically necessary care based on an evaluation of the client using objective clinical indicators, assessment, monitoring, and therapeutic service required to best manage the client's illness or injury, and that is documented in the client's medical record.

**"~~International Classification of Diseases(~~9th Revision, Clinical Modification (ICD-9-CM)) (ICD)~~"~~** - The systematic listing that transforms verbal descriptions of diseases, injuries, conditions, and procedures into numerical or alphanumeric designations (coding).

**"Investigational"** - A term to describe a procedure, or course of treatment, which lacks sufficient scientific evidence of benefit for a particular condition. A service is not "investigational" if the service:

(1) Is generally accepted by the medical professional as effective and appropriate for the condition in question; or

(2) Is supported by an overall balance of objective scientific evidence, in which the potential risks and potential benefits are examined, demonstrating the proposed service to be of greater overall benefit to the client in the particular circumstance than another, generally available service.

**"Life support"** - Mechanical systems, such as ventilators or heart-lung respirators, which are used to supplement or take the place of the normal autonomic functions of a living person.

**"Limitation extension,"** see WAC 182-501-0169.

**"Long-acting reversible contraceptive (LARC)"** - Subdermal implants and intrauterine devices (IUDs).

**"Maximum allowable fee"** - The maximum dollar amount that the agency will reimburse a provider for specific services, supplies, and equipment.

**"Medically necessary,"** see WAC 182-500-0070.

**"Medicare physician fee schedule data base (MPFSDB)"** - The official CMS publication of the medicare policies and RVUs for the RBRVS reimbursement program.

**"Medicare program fee schedule for physician services (MPFSPS)"** - The official CMS publication of the medicare fees for physician services.

**"Medicare clinical diagnostic laboratory fee schedule"** - The fee schedule used by medicare to reimburse for clinical diagnostic laboratory procedures in the state of Washington.

**"Mentally incompetent"** - A client who has been declared mentally incompetent by a federal, state, or local court.

**"Modifier"** - A two-digit alphabetic and/or numeric identifier that is added to the procedure code to indicate the type of service performed. The modifier provides the means by which the reporting physician can describe or indicate that a performed service or procedure has been altered by some specific circumstance but not changed in its definition or code. The modifier can affect payment or be used for information only. Modifiers are listed in fee schedules.

**"Outpatient,"** see WAC 182-500-0080.

**"Peer-reviewed medical literature"** - Medical literature published in professional journals that submit articles for review by experts who are not part of the editorial staff. It does not include publications or supplements to publications primarily intended as marketing material for pharmaceutical, medical supplies, medical devices, health service providers, or insurance carriers.

**"Physician care plan"** - A written plan of medically necessary treatment that is established by and periodically reviewed and signed by a physician. The plan describes the medically necessary services to be provided by a home health agency, a hospice agency, or a nursing facility.

**"Physician standby"** - Physician attendance without direct face-to-face client contact and which does not involve provision of care or services.

**"Physician's current procedural terminology,"** see "current procedural terminology (CPT)."

**"PM&R,"** see acute physical medicine and rehabilitation.

**"Podiatric service"** - The diagnosis and medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the foot and ankle.

**"Pound indicator (#)"** - A symbol (#) indicating a CPT procedure code listed in the agency's fee schedules that is not routinely covered.

**"Preventive"** - Medical practices that include counseling, anticipatory guidance, risk factor reduction interventions, and the ordering of appropriate laboratory and diagnostic procedures intended to help a client avoid or reduce the risk or incidence of illness or injury.

**"Prior authorization,"** see WAC 182-500-0085.

**"Professional component"** - The part of a procedure or service that relies on the provider's professional skill or train-

ing, or the part of that reimbursement that recognizes the provider's cognitive skill.

**"Prognosis"** - The probable outcome of a client's illness, including the likelihood of improvement or deterioration in the severity of the illness, the likelihood for recurrence, and the client's probable life span as a result of the illness.

**"Prolonged services"** - Face-to-face client services furnished by a provider, either in the inpatient or outpatient setting, which involve time beyond what is usual for such services. The time counted toward payment for prolonged E&M services includes only face-to-face contact between the provider and the client, even if the service was not continuous.

**"Provider,"** see WAC 182-500-0085.

**"Radioallergosorbent test" or "RAST"** - A blood test for specific allergies.

**"RBRVS,"** see resource based relative value scale.

**"RBRVS RVU"** - A measure of the resources required to perform an individual service or intervention. It is set by Medicare based on three components - Physician work, practice cost, and malpractice expense. Practice cost varies depending on the place of service.

**"Reimbursement"** - Payment to a provider or other agency-approved entity who bills according to the provisions in WAC 182-502-0100.

**"Reimbursement steering committee (RSC)"** - An interagency work group that establishes and maintains RBRVS physician fee schedules and other payment and purchasing systems utilized by the agency and the department of labor and industries.

**"Relative value guide (RVG)"** - A system used by the American Society of Anesthesiologists for determining base anesthesia units (BAUs).

**"Relative value unit (RVU)"** - A unit which is based on the resources required to perform an individual service or intervention.

**"Resource based relative value scale (RBRVS)"** - A scale that measures the relative value of a medical service or intervention, based on the amount of physician resources involved.

**"RSC RVU"** - A unit established by the RSC for a procedure that does not have an established RBRVS RVU or has an RBRVS RVU deemed by the RSC as not appropriate for the service.

**"RVU,"** see relative value unit.

**"Stat laboratory charges"** - Charges by a laboratory for performing tests immediately. "Stat" is an abbreviation for the Latin word "statim," meaning immediately.

**"Sterile tray"** - A tray containing instruments and supplies needed for certain surgical procedures normally done in an office setting. For reimbursement purposes, tray components are considered by CMS to be nonroutine and reimbursed separately.

**"Technical advisory group (TAG)"** - An advisory group with representatives from professional organizations whose members are affected by implementation of RBRVS physician fee schedules and other payment and purchasing systems utilized by the agency and the department of labor and industries.

**"Technical component"** - The part of a procedure or service that relates to the equipment set-up and technician's time, or the part of the procedure and service reimbursement that recognizes the equipment cost and technician time.

#### NEW SECTION

**WAC 182-531-2020 Enhanced reimbursement—Long-acting reversible contraception (LARC).** (1) Effective for dates of service on or after September 1, 2015, the Medicaid agency pays enhanced rates for physician procedure codes directly related to insertion or implant of long-acting reversible contraceptives (LARC).

(2) The agency pays the enhanced rate as a set amount above the standard resource based relative value scale (RBRVS) rate calculation described in WAC 182-531-1850.

(3) The agency will pay the enhanced rate to all providers eligible to bill for these services.

#### **WSR 16-01-041**

#### **PERMANENT RULES**

#### **DEPARTMENT OF HEALTH**

[Filed December 9, 2015, 1:40 p.m., effective January 9, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-282-990, the purpose of the rule making is to increase the shellfish export certification fee to improve customer service and provide better public health protection. The rule also establishes a fee for diarrhetic shellfish poisoning testing, combines it with the existing paralytic shellfish poisoning fee, and renames the combined fee to "biotoxin fee."

Citation of Existing Rules Affected by this Order: Amending WAC 246-282-990.

Statutory Authority for Adoption: RCW 43.70.250.

Other Authority: RCW 77.32.555.

Adopted under notice filed as WSR 15-19-155 on September 23, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: November 17, 2015.

Maryanne Guichard  
Assistant Secretary



AMENDATORY SECTION (Amending WSR 15-11-053, filed 5/15/15, effective 6/15/15)

**WAC 246-282-990 Fees.** (1) The required annual shellfish operation license fees for shellstock shippers and shucker-packers due October 1, 2011, shall be reduced by twenty-five percent of the annual shellfish operation license fees in subsection (2) of this section. Beginning July 1, 2012, and for every subsequent year, the full annual shellfish operation license fees in subsection (2) of this section shall be assessed.

(2) Annual shellfish operation license fees are:

Type of Operation	Annual Fee
Harvester	\$263
Shellstock Shipper	
0 - 49 Acres	\$297
50 or greater Acres	\$476
Scallop Shellstock Shipper	\$297
Shucker-Packer	
Plants with floor space < 2000 sq. ft.	\$542
Plants with floor space 2000 sq. ft. to 5000 sq. ft.	\$656
Plants with floor space > 5000 sq. ft.	\$1,210

(3) The fee for each export certificate is ~~\$(20.00)~~ 55.00.

(4) Annual ~~((PSP))~~ biotoxin testing fees for companies harvesting species other than geoduck intertidally (between the extremes of high and low tide) are as follows:

Fee Category	Type of Operation	Number of Harvest Sites	Fee
Harvester		≤ 2	<del>\$(173)</del> <u>353</u>
		3 or more	<del>\$(259)</del> <u>535</u>
<u>Shellstock Shipper</u> <u>Wholesale</u> <u>Company</u>		≤ 2	<del>\$(195)</del> <u>393</u>
		3 or more	<del>\$(292)</del> <u>610</u>
Shellstock Shipper		N/A	<del>\$(468)</del> <u>961</u>
		50 or greater acres	
Shucker-Packer		≤ 2	<del>\$(354)</del> <u>752</u>
		(plants < 2000 ft <sup>2</sup> )	
Shucker-Packer		3 or more	<del>\$(533)</del> <u>1,076</u>
		(plants < 2000 ft <sup>2</sup> )	

**Fee Category**

Type of Operation	Number of Harvest Sites	Fee
Shucker-Packer (plants 2000 - 5000 ft <sup>2</sup> )	≤ 2	<del>\$(429)</del> <u>882</u>
Shucker-Packer (plants 2000 - 5000 ft <sup>2</sup> )	3 or more	<del>\$(644)</del> <u>1,297</u>
Shucker-Packer (plants > 5000 ft <sup>2</sup> )	N/A	<del>\$(1,189)</del> <u>2,412</u>

(a) The number of harvest sites will be the total number of harvest sites on the licensed company's harvest site certificate:

- (i) At the time of first licensure; or
- (ii) January 1 of each year for companies licensed as harvesters; or
- (iii) July 1 of each year for companies licensed as shellstock shippers and shucker packers.

(b) Two or more contiguous parcels with a total acreage of one acre or less is considered one harvest site.

(5) Annual PSP testing fees for companies harvesting geoduck are as follows:

Harvester	Fee
Department of natural resources (quota tracts harvested by DNR contract holders)	\$10,670
Discovery Bay Shellfish	\$1,135
Jamestown S'Klallam Tribe	\$1,589
Lower Elwha Klallam Tribe	\$2,384
Lummi Nation	\$227
Nisqually Tribe	\$5,902
Port Gamble S'Klallam Tribe	\$1,362
Puyallup Tribe of Indians	\$8,286
Skokomish Indian Tribe	\$114
Squaxin Island Tribe	\$3,292
Suquamish Tribe	\$15,093
Swinomish Tribe	\$1,022
Tulalip Tribe	\$6,924

(6) ~~((PSP))~~ Fees must be paid in full to department of health before a commercial shellfish license is issued or renewed.

(7) Refunds for ~~((PSP))~~ fees will be given only if the applicant withdraws a new or renewal license application prior to the effective date of the new or renewed license.

**WSR 16-01-042**  
**PERMANENT RULES**  
**BUILDING CODE COUNCIL**

[Filed December 9, 2015, 2:04 p.m., effective January 9, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Updating state building code council mailing address and other outdated information in chapters 51-04 and 51-06 WAC; and repealing outdated chapter 51-08 WAC.

Citation of Existing Rules Affected by this Order: Repealing chapter 51-08 WAC; and amending WAC 51-04-040, 51-04-070, 51-06-010, 51-06-020, and 51-06-120.

Statutory Authority for Adoption: RCW 19.27.074.

Other Authority: RCW 19.27.074.

Adopted under notice filed as WSR 15-19-167 on September 23, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 8, 2015.

David F. Kokot  
Council Chair

AMENDATORY SECTION (Amending WSR 07-15-043, filed 7/13/07, effective 8/13/07)

**WAC 51-04-040 Reconsideration.** (1) When the council denies a statewide or local amendment to the building code, the party proposing the amendment may file a petition for reconsideration. The petition must be received by the Washington State Building Code Council, ((P.O. Box 42525, Olympia, Washington 98504-2525)) 1500 Jefferson Avenue S.E., P.O. Box 41449, Olympia, Washington 98504-1449, within ten calendar days of the date of the denial. The petition must give specific reasons for why the council should reconsider the amendment for approval or denial.

(2) Within sixty calendar days of receipt of a timely petition for reconsideration, the council shall in writing:

(a) Grant the petition for reconsideration and approve the amendment;

(b) Deny the petition for reconsideration, giving reasons for the denial; or

(c) Request additional information and extend the time period for not more than thirty calendar days to either grant or deny the petition for reconsideration.

(3) The council's denial of a proposed statewide or local government amendment, or the council denial of a petition for reconsideration under this section, is subject to judicial review under chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 05-23-104, filed 11/17/05, effective 1/1/06)

**WAC 51-04-070 Council mailing address.** All requests for information, documentation, etc., should be submitted to:

Washington State Building Code Council  
~~((906 Columbia St SW  
Post Office Box 42525  
Olympia, Washington 98504-2525  
360-725-2966))~~  
1500 Jefferson Avenue S.E.  
P.O. Box 41449  
Olympia, Washington 98504-1449  
Phone: 360-407-9280  
Fax: 360-586-9088

AMENDATORY SECTION (Amending WSR 90-02-108, filed 1/3/90, effective 2/3/90)

**WAC 51-06-010 Purpose of chapter.** The purpose of this chapter shall be to ensure compliance by the state building code council (hereinafter referred to as the "council"), including its members and staff, with the provisions of chapter 42.17 RCW ~~((Initiative 276))~~, and in particular with RCW 42.17.250 - 42.17.320 dealing with public records.

AMENDATORY SECTION (Amending WSR 98-02-049, filed 1/5/98, effective 7/1/98)

**WAC 51-06-020 Public records available.** All public records of the council as defined in WAC 51-06-030 are available for public inspection and copying at the ~~((Department of Community Development, 906 Columbia St. SW, Olympia, Washington 98504))~~ Washington State Building Code Council, 1500 Jefferson Avenue S.E., Olympia, Washington 98504-1449, pursuant to these rules, except as otherwise provided by RCW 42.17.310.

AMENDATORY SECTION (Amending WSR 98-02-049, filed 1/5/98, effective 7/1/98)

**WAC 51-06-120 Address for communications.** All requests for information, documentation, etc., should be submitted to the:

Washington State Building Code Council  
~~((906 Columbia St SW  
Post Office Box 48300  
Olympia, Washington 98504-8300  
(360) 586-0486))~~  
1500 Jefferson Avenue S.E.  
P.O. Box 41449  
Olympia, Washington 98504-1449  
Phone: 360-407-9280  
Fax: 360-586-9088

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 51-08-010 Uniform procedural rules.

**WSR 16-01-046**  
**PERMANENT RULES**  
**HEALTH CARE AUTHORITY**  
(Washington Apple Health)

[Filed December 9, 2015, 4:06 p.m., effective January 9, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The agency is making housekeeping changes to update agency names and rule citations.

Citation of Existing Rules Affected by this Order: Amending WAC 182-530-1075, 182-530-3000, 182-530-3100, 182-530-4000, 182-530-4050, 182-530-4150, 182-530-5000, 182-530-5050, 182-530-5100, 182-530-6000, 182-530-7050, 182-530-7100, 182-530-7150, 182-530-7200, 182-530-7250, 182-530-7300, 182-530-7350, 182-530-7400, 182-530-7500, 182-530-7600, 182-530-7800, 182-530-7900, 182-530-8000, 182-530-8050, 182-530-8100, and 182-530-8150.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 15-22-045 on October 29, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 26, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 26, Repealed 0.

Date Adopted: December 9, 2015.

Wendy Barcus  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-1075 Requirements—Use of tamper-resistant prescription pads.** (1) The ~~((department))~~ medicaid agency requires providers to use tamper-resistant prescription pads or paper for written outpatient prescriptions, including over-the-counter drugs, for ~~((medical assistance))~~ Washington apple health clients.

(2) This requirement applies to all outpatient prescription drugs, including:

(a) Prescriptions when medicaid is primary or secondary payer (including medicare Part D prescriptions).

(b) Signed hardcopy prescriptions given to a client, whether handwritten or computer-generated.

(3) This requirement does not apply to:

(a) Prescriptions paid for by Washington's healthy options (HO) program or other ~~((department))~~ agency-contracted managed care organizations.

(b) Prescription drugs that are part of the per diem or bundled rate and not reimbursed separately in designated institutional or clinical settings, such as a nursing facility, ICF/MR, dental office, hospice, or radiology. For example, a morphine prescription used to control a hospice client's cancer pain is covered under the hospice per diem rate and therefore the tamper-resistant prescription requirement is not required.

(c) Telephone, fax, or electronic prescriptions.

(d) Refill prescriptions, if the original written prescriptions were presented at a pharmacy before April 1, 2008.

(e) Prescriber or clinic drug samples given directly to the client.

(f) An institutional setting, as defined in WAC ~~((388-500-0005))~~ 182-500-0050, where the prescriber writes the order into the medical records and the orders go directly to the pharmacy.

(4) Effective April 1, 2008, the tamper-resistant prescription pads and paper must meet at least one of the following industry recognized characteristics:

(a) One or more features designed to prevent unauthorized copying of a completed or blank prescription form;

(b) One or more features designed to prevent the erasure or modification of information written on the prescription by the prescriber; or

(c) One or more features designed to prevent the use of counterfeit prescription forms.

(5) Effective October 1, 2008, the tamper-resistant prescription pads and paper must contain all of the three characteristics in subsection (4) of this section.

(6) If the written prescription is not on tamper-resistant paper, the pharmacy may provide the prescription on an emergency basis. The pharmacy must verify the prescription with the prescriber by telephone, fax, or electronic communication, or by physical receipt of a tamper-resistant written prescription within seventy-two hours of filling the prescription.

(7) Federal controlled substance laws on controlled substances apply when prescribing or dispensing schedule II drugs.

(8) Record retention requirements ~~((WAC 388-502-0020))~~ under WAC 182-502-0020 remain in effect. Additional documentation is required as follows:

(a) Documentation by the pharmacy of verbal confirmation of a noncompliant written prescription.

(b) Documentation by the pharmacy of verbal confirmation about the authenticity of the tamper-resistant prescription.

(9) To submit a claim for a medicaid client retroactively certified for medicaid, the following applies:

(a) The prescription must meet the tamper-resistant compliance requirement.

(b) Refills that occur after the date on which the client is determined to be eligible require a new, tamper-resistant prescription in compliance with this WAC.

(c) If the original order is not compliant with subsection (4) of this section, the pharmacy must obtain a verbal, faxed, or email confirmation of the prescription from the prescriber.

(d) The pharmacy must reimburse the client (~~(in accordance with WAC 388-502-0160)~~) under WAC 182-502-0160.

(10) The pharmacy accepting a prescription transfer from another pharmacy must confirm the authenticity of the prescription by telephone or facsimile from the transferring pharmacy.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-3000 When the ~~((department))~~ medicaid agency requires authorization.** Pharmacies must obtain authorization for covered drugs, devices, or drug-related supplies in order to receive reimbursement as described in this section.

(1) The ~~((department's))~~ medicaid agency's pharmacists and medical consultants:

(a) Have determined that authorization for the drug, device, or drug-related supply is required, as described in WAC ~~((388-530-3100))~~ 182-530-3100; or

(b) Have not yet reviewed the manufacturer's dossier of drug information submitted in the Academy of Managed Care Pharmacy (AMCP) format.

(2) The drug, device, or drug-related supply is in the therapeutic drug class on the Washington preferred drug list and the product is one of the following:

(a) Nonpreferred as described in WAC ~~((388-530-4100))~~ 182-530-4100; and

(i) The prescriber is a nonendorsing practitioner; or

(ii) The drug is designated as exempt from the therapeutic interchange program per WAC ~~((388-530-4100(6) or 388-530-4150(2)(e)))~~ 182-530-4100(6) or 182-530-4150(2)(a);

(b) Preferred for a special population or specific indication and has been prescribed by a nonendorsing practitioner under conditions for which the drug, device, or drug-related supply is not preferred; or

(c) Determined to require authorization for safety.

(3) For the purpose of promoting safety, efficacy, and effectiveness of drug therapy, the ~~((department))~~ agency identifies clients or groups of clients who would benefit from further clinical review.

(4) The ~~((department))~~ agency designates the prescriber(s) as requiring authorization because the prescriber(s) is under ~~((department))~~ agency review or is sanctioned for substandard quality of care.

(5) Utilization data indicate there are health and safety concerns or the potential for misuse and abuse. Examples of utilization concerns include:

(a) Multiple prescriptions filled of the same drug in the same calendar month;

(b) Prescriptions filled earlier than necessary for optimal therapeutic response;

(c) Therapeutic duplication;

(d) Therapeutic contraindication;

(e) Excessive dosing, excessive duration of therapy, or subtherapeutic dosing as determined by FDA labeling or the compendia of drug information; and

(f) Number of prescriptions filled per month in total or by therapeutic drug class.

(6) The pharmacy requests reimbursement in excess of the maximum allowable cost and the drug has been prescribed with instructions to dispense as written.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-3100 How the ~~((department))~~ medicaid agency determines when a drug requires authorization.** (1) The ~~((department's))~~ medicaid agency's pharmacists and medical consultants evaluate new covered drugs, new covered indications, or new dosages approved by the Food and Drug Administration (FDA) to determine the drug authorization requirement.

(a) The clinical team uses a drug evaluation matrix to evaluate and score the benefit/risk assessment and cost comparisons of drugs to similar existing drugs based on quality evidence contained in compendia of drug information and peer-reviewed medical literature.

(b) In performing this evaluation the clinical team may consult with other ~~((department))~~ agency clinical staff, financial experts, and program managers. The ~~((department))~~ agency may also consult with an evidence-based practice center, the drug use review (DUR) board, and ~~((for))~~ medical experts in this evaluation.

(c) Information reviewed in the drug evaluation matrix includes, but is not limited to, the following:

(i) The drug, device, or drug-related supply's benefit/risk ratio;

(ii) Potential for clinical misuse;

(iii) Potential for client misuse/abuse;

(iv) Narrow therapeutic indication;

(v) Safety concerns;

(vi) Availability of less costly therapeutic alternatives;

and

(vii) Product cost and outcome data demonstrating the drug, device, or drug-related supply's cost effectiveness.

(d) Based on the clinical team's evaluation and the drug evaluation matrix score, the ~~((department))~~ agency may determine that the drug, device, or drug-related supply:

(i) Requires authorization;

(ii) Requires authorization to exceed ~~((department))~~ agency-established limitations; or

(iii) Does not require authorization.

(2) Drugs in therapeutic classes on the Washington preferred drug list are not subject to determination of authorization requirements through the drug evaluation matrix. Authorization requirements are determined by their preferred status according to WAC ~~((388-530-4100))~~ 182-530-4100.

(3) The ~~((department))~~ agency periodically reviews existing drugs, devices, or drug-related supplies and re-signs authorization requirements as necessary according to the same provisions as outlined above for new drugs, devices, or pharmaceutical supplies.

(4) For any drug, device, or drug-related supply with limitations or requiring authorization, the ~~((department))~~ agency may elect to apply automated authorization criteria according to WAC ~~((388-530-3200))~~ 182-530-3200.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-4000 Drug use review (DUR) board.** In accordance with 42 C.F.R. 456.716, the ~~((department))~~ medicaid agency establishes a drug use review (DUR) board.

(1) The DUR board:

(a) Includes health professionals who are actively practicing and licensed in the state of Washington and who have recognized knowledge and expertise in one or more of the following:

- (i) The clinically appropriate prescribing of outpatient drugs;
- (ii) The clinically appropriate dispensing and monitoring of outpatient drugs;
- (iii) Drug use review, evaluation, and intervention; and
- (iv) Medical quality assurance.

(b) Is made up of at least one-third but not more than fifty-one percent physicians, and at least one-third pharmacists.

(2) The ~~((department))~~ agency may appoint members of the pharmacy and therapeutics committee established by the ~~((health care authority (HCA)))~~ agency under chapter 182-50 WAC or other qualified individuals to serve as members of the DUR board.

(3) The DUR board meets periodically to:

- (a) Advise the ~~((department))~~ agency on drug use review activities;
- (b) Review provider and patient profiles;
- (c) Review scientific literature to establish evidence-based guidelines for the appropriate use of drugs, including the appropriate indications and dosing;
- (d) Recommend adoption of standards and treatment guidelines for drug therapy;
- (e) Recommend interventions targeted toward correcting drug therapy problems; and
- (f) Produce an annual report.

(4) The ~~((department))~~ agency has the authority to accept or reject the recommendations of the DUR board in accordance with 42 C.F.R. 456.716(c).

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-4050 Drug use and claims review.** (1) The ~~((department's))~~ agency's drug use review (DUR) consists of:

(a) A prospective drug use review (Pro-DUR) that requires all pharmacy providers to:

(i) Obtain patient histories of allergies, idiosyncrasies, or chronic condition~~((s))~~ or conditions which may relate to drug utilization;

(ii) Screen for potential drug therapy problems; and

(iii) Counsel the patient in accordance with existing state pharmacy laws and federal regulations.

(b) A retrospective drug use review (Retro-DUR), in which the ~~((department))~~ agency provides for the ongoing periodic examination of claims data and other records in order to identify patterns of fraud, abuse, gross overuse, or inappropriate or medically unnecessary care among physicians, pharmacists, and individuals receiving benefits.

(2) The ~~((department))~~ agency reviews a periodic sampling of claims to determine if drugs are appropriately dispensed and billed. If a review of the sample finds that a provider is inappropriately dispensing or billing for drugs, the ~~((department))~~ agency may implement corrective action that includes, but is not limited to:

(a) Educating the provider regarding the problem practice~~((s))~~ or practices;

(b) Requiring the provider to maintain specific documentation in addition to the normal documentation requirements regarding the provider's dispensing or billing actions;

(c) Recouping the payment for the drug~~((s); and)~~ or drugs; or

(d) Terminating the provider's core provider agreement (CPA).

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-4150 Therapeutic interchange program (TIP).** This section contains the ~~((department's))~~ medicaid agency's rules for the endorsing practitioner therapeutic interchange program (TIP). TIP is established under RCW 69.41.190 and 70.14.050. The statutes require state-operated prescription drug programs to allow physicians and other prescribers to endorse a Washington preferred drug list (PDL) and, in most cases, requires pharmacists to automatically substitute a preferred, equivalent drug from the list.

(1) The therapeutic interchange program (TIP) applies only to drugs:

(a) Within therapeutic classes on the Washington PDL;

(b) Studied by the evidence-based practice center~~((s))~~ or centers;

(c) Reviewed by the pharmacy and therapeutics (P&T) committee; and

(d) Prescribed by an endorsing practitioner.

(2) TIP does not apply:

(a) When the P&T committee determines that TIP does not apply to the therapeutic class on the PDL; or

(b) To a drug prescribed by a nonendorsing practitioner.

(3) A practitioner who wishes to become an endorsing practitioner must specifically enroll with the health care authority (HCA) as an endorsing practitioner under the provisions of chapter 182-50 WAC and RCW 69.41.190(2).

(4) When an endorsing practitioner writes a prescription for a client for a nonpreferred drug, or for a preferred drug for a special population or indication other than the client's pop-

ulation or indication, and indicates that substitution is permitted, the pharmacist must:

(a) Dispense a preferred drug in that therapeutic class in place of the nonpreferred drug; and

(b) Notify the endorsing practitioner of the specific drug and dose dispensed.

(5) With the exception of subsection (7) and (10) of this section, when an endorsing practitioner determines that a nonpreferred drug is medically necessary, all of the following apply:

(a) The practitioner must indicate that the prescription is to be dispensed as written (DAW);

(b) The pharmacist dispenses the nonpreferred drug as prescribed; and

(c) The ~~((department))~~ agency does not require prior authorization to dispense the nonpreferred drug in place of a preferred drug except when the drug requires authorization for safety.

(6) In the event the following therapeutic drug classes are on the Washington PDL, pharmacists will not substitute a preferred drug for a nonpreferred drug in these therapeutic drug classes when the endorsing practitioner prescribes a refill (including the renewal of a previous prescription or adjustments in dosage):

(a) Antipsychotic;

(b) Antidepressant;

(c) Antiepileptic;

(d) Chemotherapy;

(e) Antiretroviral;

(f) Immunosuppressive; or

(g) Immunomodulator/antiviral treatment for hepatitis C for which an established, fixed duration of therapy is prescribed for at least twenty-four weeks but no more than forty-eight weeks.

(7) The ~~((department))~~ agency may impose nonendorsing status on an endorsing practitioner only under the following circumstances:

(a) The ~~((department))~~ agency runs three quarterly reports demonstrating that, within any therapeutic class of drugs on the Washington PDL, the endorsing practitioner's frequency of prescribing DAW varies from the prescribing patterns of the endorsing practitioner's ~~((department))~~ agency-designated peer grouping with a ninety-five percent confidence interval; and

(b) The medical director has:

(i) Delivered by mail to the endorsing practitioner the quarterly reports described in ~~((subsection (7)))~~ (a) of this ~~((section))~~ subsection, which demonstrate the endorsing practitioner's variance in prescribing patterns; and

(ii) Provided the endorsing practitioner an opportunity to explain the variation in prescribing patterns as medically necessary as defined under WAC ~~((388-500-0005))~~ 182-500-0070; or

(iii) Provided the endorsing practitioner two calendar quarters to change ~~((his or her))~~ their prescribing patterns to align with those of the ~~((department))~~ agency-designated peer groupings.

(8) While the endorsing practitioner is engaged in the activities described in subsection (7)(b)(ii) or ~~((7)(b))~~ (iii)

of this section, ~~((his or her))~~ their endorsing practitioner status is maintained.

(9) The nonendorsing status restrictions imposed under this section will remain in effect until the quarterly reports demonstrate that the endorsing practitioner's prescribing patterns no longer vary in comparison to ~~((his or her department))~~ the endorsing practitioner's agency-designated peer-grouping over a period of four calendar quarters, with a ninety-five percent confidence interval.

(10) Except as otherwise provided in subsection (11) of this section, for a client's first course of treatment within a therapeutic class of drugs, the endorsing practitioner's option to write DAW does not apply when:

(a) There is a less expensive, equally effective therapeutic alternative generic product available to treat the condition; and

(b) The drug use review (DUR) board established under WAC ~~((388-530-4000))~~ 182-530-4000 has reviewed the drug class and recommended to the ~~((department))~~ agency that the drug class is appropriate to require generic drugs as a client's first course of treatment.

(11) In accordance with WAC ~~((388-530-4125(3) and WAC 388-501-0165, the department))~~ 182-530-4125(3) and 182-501-0165, the agency will request and review the endorsing practitioner's medical justification for preferred and nonpreferred brand name drugs and nonpreferred generic drugs for the client's first course of treatment.

**AMENDATORY SECTION** (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-5000 Billing requirements—Pharmacy claim payment.** (1) When billing the ~~((department))~~ medicaid agency for pharmacy services, providers must:

(a) Use the appropriate ~~((department))~~ agency claim form or electronic billing specifications;

(b) Include the actual eleven-digit national drug code (NDC) number of the product dispensed from a rebate eligible manufacturer;

(c) Bill the ~~((department))~~ agency using metric decimal quantities which is the National Council for Prescription Drug Programs (NCPDP) billing unit standard;

(d) Meet the general provider documentation and record retention requirements in WAC ~~((388-502-0020))~~ 182-502-0020; and

(e) Maintain proof of delivery receipts.

(i) When a provider delivers an item directly to the client or the client's authorized representative, the provider must be able to furnish proof of delivery including signature, client's name and a detailed description of the item~~((s))~~ or items delivered.

(ii) When a provider mails an item to the client, the provider must be able to furnish proof of delivery including a mail log.

(iii) When a provider uses a delivery~~((r))~~ or shipping service to deliver items, the provider must be able to furnish proof of delivery and it must:

(A) Include the delivery service tracking slip with the client's name or a reference to the client's package~~((s))~~ or

packages; the delivery service package identification number; and the delivery address.

(B) Include the supplier's shipping invoice, with the client's name; the shipping service package identification number; and a detailed description~~((s))~~.

(iv) Make proof of delivery receipts available to the ~~((department))~~ agency upon request.

(2) When billing drugs under the expedited authorization process, providers must insert the authorization number which includes the corresponding criteria code~~((s))~~ or codes in the appropriate data field on the drug claim.

(3) Pharmacy services for clients on restriction under WAC ~~((388-501-0135))~~ 182-501-0135 must be prescribed by the client's primary care provider and are paid only to the client's primary pharmacy, except in cases of:

(a) Emergency;

(b) Family planning services; or

(c) Services properly referred from the client's assigned pharmacy or physician/ARNP.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-5050 Billing requirements—Point-of-sale (POS) system/prospective drug use review (Pro-DUR).** (1) Pharmacy claims for drugs and other products listed in the ~~((department's))~~ medicaid agency's drug file and billed to the ~~((department))~~ agency by national drug code (NDC) are adjudicated by the ~~((department's))~~ agency's point-of-sale (POS) system. Claims must be submitted for payment using the billing unit standard identified in WAC ~~((388-530-5000))~~ 182-530-5000.

(2) All pharmacy drug claims processed through the POS system undergo a system-facilitated prospective drug use review (Pro-DUR) screening as a complement to the Pro-DUR screening required of pharmacists.

(3) If the POS system identifies a potential drug therapy problem during Pro-DUR screening, a message will alert the pharmacy provider indicating the type of potential problem. The alerts regarding possible drug therapy problems include, but are not limited to:

(a) Therapeutic duplication;

(b) Duration of therapy exceeds the recommended maximum period;

(c) Drug-to-drug interaction;

(d) Drug disease precaution;

(e) High dose;

(f) Ingredient duplication;

(g) Drug-to-client age conflict;

(h) Drug-to-client gender conflict; or

(i) Refill too soon.

(4) The ~~((department))~~ agency provides pharmacy providers with a list of codes from which to choose in overriding POS system alert messages. These codes come from the National Council for Prescription Drug Programs (NCPDP).

(5) The dispensing pharmacist evaluates the potential drug therapy conflict and enters applicable NCPDP codes representing their professional interaction.

(a) If the resolution to the conflict satisfies ~~((department))~~ agency requirements, the claim will be processed accordingly.

(b) If the resolution to the conflict does not satisfy ~~((department))~~ agency requirements, the ~~((department))~~ agency requires prior authorization. This includes all claims for which an alert message is triggered in the POS system and an NCPDP override code is not appropriate.

(6) The ~~((department))~~ agency requires providers to retain documentation of the justification for the use of payment system override codes as described in subsections (4) and (5) of this section. The ~~((department))~~ agency requires the documentation be retained for the same period as that described in WAC ~~((388-502-0020))~~ 182-502-0020.

(7) POS/Pro-DUR screening is not applicable to pharmacy claims included in the managed care capitated rate.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-5100 Billing requirements—Unit dose.** (1) To be eligible for a unit dose dispensing fee from the ~~((department))~~ medicaid agency, a pharmacy must:

(a) Notify the ~~((department))~~ agency in writing of its intent to provide unit dose service;

(b) Identify the nursing ~~((facility(ies)))~~ facility or facilities to be served;

(c) Indicate the approximate date unit dose service to the ~~((facility(ies)))~~ facility or facilities will commence; and

(d) Follow ~~((department))~~ agency requirements for unit dose payment.

(2) Under a unit dose delivery system, a pharmacy must bill only for the number of drug units actually used by the ~~((medical assistance))~~ client in the nursing facility, except as provided in subsections (3), (4), and (5) of this section. It is the unit dose pharmacy provider's responsibility to coordinate with nursing facilities to ensure that the unused drugs the pharmacy dispensed to clients are returned to the pharmacy for credit.

(3) The pharmacy must submit an adjustment form or claims reversal of the charge to the ~~((department))~~ agency for the cost of all unused drugs returned to the pharmacy from the nursing facility on or before the sixtieth day following the date the drug was dispensed, except as provided in subsection (5) of this section. Such adjustment must conform to the nursing facility's monthly log as described in subsection (7) of this section.

(4) The ~~((department))~~ agency pays a unit dose provider a dispensing fee when a provider-packaged unit dose prescription is returned, in its entirety, to the pharmacy. A dispensing fee is not paid if the returned prescription is for a drug with a manufacturer-designated unit dose national drug code (NDC). In addition to the dispensing fee paid under this subsection, the provider may bill the ~~((department))~~ agency one unit of the tablet or capsule but must credit the ~~((department))~~ agency for the remainder of the ingredient costs for the returned prescription.

(5) Unit dose providers do not have to credit the ~~((department))~~ agency for federally designated schedule two drugs

which are returned to the pharmacy. These returned drugs must be disposed of according to federal regulations.

(6) Pharmacies must not charge clients or the ~~((department))~~ agency a fee for repackaging a client's bulk medications in unit dose form. The costs of repackaging are the responsibility of the nursing facility when the repackaging is done:

(a) To conform with a nursing facility's drug delivery system; or

(b) For the nursing facility's convenience.

(7) The pharmacy must maintain detailed records of medications dispensed under unit dose delivery systems. The pharmacy must keep a monthly log for each nursing facility served~~((s))~~ including, but not limited to, the following information:

(a) Facility name and address;

(b) Client's name and patient identification code (PIC);

(c) Drug name/strength;

(d) National drug code (NDC);

(e) Quantity and date dispensed;

(f) Quantity and date returned;

(g) Value of returned drugs or amount credited;

(h) Explanation for no credit given or nonreusable returns; and

(i) Prescription number.

(8) Upon the ~~((department's))~~ agency's request, the pharmacy must submit copies of the logs referred to in subsection (7) of this section.

(9) When the pharmacy submits the completed annual prescription volume survey to the ~~((department))~~ agency, it must include an updated list of all nursing facilities currently served under unit dose systems.

**AMENDATORY SECTION** (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-6000 Mail-order services.** The ~~((department))~~ medicaid agency provides a contracted mail-order pharmacy service for client use. The mail-order contractor is selected as a result of a competitive procurement process.

(1) The contracted mail-order pharmacy service is available as an option to all ~~((medical assistance))~~ Washington apple health clients, subject to the:

(a) Scope of the client's medical care program;

(b) Availability of services from the contracted mail-order provider; and

(c) Special terms and conditions described in subsection (2) and (3) of this section.

(2) The mail-order prescription service may not dispense medication in a quantity greater than authorized by the prescriber. (See RCW 18.64.360(5), Nonresident pharmacies.)

(3) Prescribed medications may be filled by the mail-order pharmacy service within the following restrictions:

(a) Drugs available from mail-order in no more than a ninety-day supply include:

(i) Preferred drugs (see WAC ~~((388-530-4100))~~ 182-530-4100);

(ii) Generic drugs; and

(ii) Drugs that do not have authorization requirements (see WAC ~~((388-530-3000 through 388-530-3200))~~ 182-530-3000 through 182-530-3200).

(b) Drugs available in no more than a thirty-four-day supply:

(i) Controlled substances (schedules II through V); and

(ii) Drugs having authorization requirements (see WAC ~~((388-530-3000))~~ 182-530-3000).

(c) Other pharmacy restrictions (chapter ~~((388-530 WAC, Pharmacy services))~~ 182-530 WAC Prescription drugs (outpatient)) continue to apply.

(4) The contracted mail-order pharmacy services are reimbursed at levels lower than those established for the regular outpatient pharmacy services.

**AMENDATORY SECTION** (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-7050 Reimbursement—Dispensing fee determination.** (1) Subject to the provisions of WAC ~~((388-530-7000))~~ 182-530-7000 and the exceptions permitted in WAC ~~((388-530-2000))~~ 182-530-2000, the ~~((department))~~ medicaid agency pays a dispensing fee for each covered, prescribed drug.

(2) The ~~((department))~~ agency does not pay a dispensing fee for nondrug items, devices, or drug-related supplies.

(3) The ~~((department))~~ agency adjusts the dispensing fee by considering factors including, but not limited to:

(a) Legislative appropriations for vendor rates;

(b) Input from provider and ~~((for))~~ advocacy groups;

(c) Input from state-employed or contracted actuaries; and

(d) Dispensing fees paid by other third-party payers~~((s))~~ including, but not limited to, health care plans and other states' medicaid agencies.

(4) The ~~((department))~~ agency uses a tiered dispensing fee system which pays higher volume pharmacies at a lower fee and lower volume pharmacies at a higher fee.

(5) The ~~((department))~~ agency uses total annual prescription volume (both medicaid and nonmedicaid) reported to the ~~((department))~~ agency to determine each pharmacy's dispensing fee tier.

(a) A pharmacy which fills more than thirty-five thousand prescriptions annually is a high-volume pharmacy. The ~~((department))~~ agency considers hospital-based pharmacies that serve both inpatient and outpatient clients as high-volume pharmacies.

(b) A pharmacy which fills between fifteen thousand one and thirty-five thousand prescriptions annually is a mid-volume pharmacy.

(c) A pharmacy which fills fifteen thousand or fewer prescriptions annually is a low-volume pharmacy.

(6) The ~~((department))~~ agency determines a pharmacy's annual total prescription volume as follows:

(a) The ~~((department))~~ agency sends out a prescription volume survey form to pharmacy providers during the first quarter of the calendar year;

(b) Pharmacies return completed prescription volume surveys to the ~~((department))~~ agency each year. Pharmacy



providers not responding to the survey by the specified date are assigned to the high volume category;

(c) Pharmacies must include all prescriptions dispensed from the same physical location in the pharmacy's total prescription count;

(d) The ~~((department))~~ agency considers prescriptions dispensed to nursing facility clients as outpatient prescriptions; and

(e) Assignment to a new dispensing fee tier is effective on the first of the month, following the date specified by the ~~((department))~~ agency.

(7) A pharmacy may request a change in dispensing fee tier during the interval between the annual prescription volume surveys. The pharmacy must substantiate such a request with documentation showing that the pharmacy's most recent six-month dispensing data, annualized, would qualify the pharmacy for the new tier. If the ~~((department))~~ agency receives the documentation by the twentieth of the month, assignment to a new dispensing fee tier is effective on the first of the following month.

(8) The ~~((department))~~ agency grants general dispensing fee rate increases only when authorized by the legislature. Amounts authorized for dispensing fee increases may be distributed nonuniformly (e.g., tiered dispensing fee based upon volume).

(9) The ~~((department))~~ agency may pay true unit dose pharmacies at a different rate for unit dose dispensing.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-7100 Reimbursement—Pharmaceutical supplies.** (1) The ~~((department))~~ medicaid agency reimburses for selected pharmaceutical supplies through the pharmacy point-of-sale (POS) system when it is necessary for client access and safety.

(2) The ~~((department))~~ agency bases reimbursement of pharmaceutical items or supplies that are not payable through the POS on ~~((department))~~ agency-published fee schedules.

(3) The ~~((department))~~ agency uses any or all of the following methodologies to set the maximum allowable reimbursement rate for drugs, devices, and drug-related supplies:

(a) A pharmacy provider's acquisition cost. Upon review of the claim, the ~~((department))~~ agency may require an invoice which must show the name of the item, the manufacturer, the product description, the quantity, and the current cost including any free goods associated with the invoice;

(b) Medicare's reimbursement rate for the item; or

(c) A specified discount off the item's list price or manufacturer's suggested retail price (MSRP).

(4) The ~~((department))~~ agency does not pay a dispensing fee for nondrug items, devices, or drug-related supplies. See WAC ~~((388-530-7050))~~ 182-530-7050.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-7150 Reimbursement—Compounded prescriptions.** (1) The ~~((department))~~ medicaid agency does not consider reconstitution to be compounding.

(2) The ~~((department))~~ agency covers a drug ingredient used for a compounded prescription only when the manufacturer has a signed rebate agreement with the federal Department of Health and Human Services (DHHS).

(3) The ~~((department))~~ agency considers bulk chemical supplies used in compounded prescriptions as nondrug items, which do not require a drug rebate agreement. The ~~((department))~~ agency covers such bulk chemical supplies only as specifically approved by the ~~((department))~~ agency.

(4) The ~~((department))~~ agency reimburses pharmacists for compounding drugs only if the client's drug therapy needs are unable to be met by commercially available dosage strengths ~~((and/))~~ or forms of the medically necessary drug.

(a) The pharmacist must ensure the need for the adjustment of the drug's therapeutic strength ~~((and/))~~ or form is well-documented in the client's file.

(b) The pharmacist must ensure that the ingredients used in a compounded prescription are for an approved use as defined in "medically accepted indication" in WAC ~~((388-530-1050))~~ 182-530-1050.

(5) The ~~((department))~~ agency requires that each drug ingredient used for a compounded prescription be billed to the ~~((department))~~ agency using its eleven-digit national drug code (NDC) number.

(6) Compounded prescriptions are reimbursed as follows:

(a) The ~~((department))~~ agency allows only the lowest cost for each covered ingredient, whether that cost is determined by actual acquisition cost (AAC), estimated acquisition cost (EAC), federal upper limit (FUL), maximum allowable cost (MAC), automated maximum allowable cost (AMAC), or amount billed.

(b) The ~~((department))~~ agency applies current prior authorization requirements to drugs used as ingredients in compounded prescriptions, except as provided under ~~((subsection (6)))~~ (c) of this ~~((section))~~ subsection. The ~~((department))~~ agency denies payment for a drug requiring authorization when authorization is not obtained.

(c) The ~~((department))~~ agency may designate selected drugs as not requiring authorization when used for compounded prescriptions. For the list of selected drugs, refer to the ~~((department's))~~ agency's prescription drug program billing instructions.

(d) The ~~((department))~~ agency pays a dispensing fee as described under WAC ~~((388-530-7050))~~ 182-530-7050 for each drug ingredient used in compounding when the conditions of this section are met and each ingredient is billed separately by the eleven-digit NDC.

(e) The ~~((department))~~ agency does not pay a separate fee for compounding time.

(7) The ~~((department))~~ agency requires pharmacists to document the need for each inactive ingredient added to the compounded prescription. The ~~((department))~~ agency limits reimbursement to the inactive ingredients that meet the following criteria. To be reimbursed by the ~~((department))~~ agency, each inactive ingredient must be:

(a) A necessary component of a compounded drug; and

(b) Billed by an eleven-digit national drug code (NDC).

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-7200 Reimbursement—Out-of-state prescriptions.** (1) The ~~((department))~~ medicaid agency reimburses out-of-state pharmacies for prescription drugs provided to an eligible client within the scope of the client's medical care program if the pharmacy:

(a) Contracts with the ~~((department))~~ agency to be an enrolled provider; and

(b) Meets the same criteria the ~~((department))~~ agency requires for in-state pharmacy providers.

(2) The ~~((department))~~ agency considers pharmacies located in bordering areas listed in WAC ~~((388-501-0175))~~ 182-501-0175 the same as in-state pharmacies.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-7250 Reimbursement—Miscellaneous.** The ~~((department))~~ medicaid agency reimburses for covered drugs, devices, and drug-related supplies provided or administered by nonpharmacy providers under specified conditions, as follows:

(1) The ~~((department))~~ agency reimburses for drugs administered or prepared and delivered for individual use by an authorized prescriber during an office visit according to specific program rules found in:

(a) Chapter ~~((388-531))~~ 182-531 WAC~~(:)~~ Physician-related services;

(b) Chapter ~~((388-532))~~ 182-532 WAC~~(:)~~ Reproductive health/family planning only/TAKE CHARGE; and

(c) Chapter ~~((388-540))~~ 182-540 WAC~~(:)~~ Kidney disease program and kidney center services.

(2) Providers who are purchasers of Public Health Services (PHS) discounted drugs must comply with PHS 340b program requirements. (See WAC ~~((388-530-7900))~~ 182-530-7900).

(3) The ~~((department))~~ agency may request providers to submit a current invoice for the actual cost of the drug, device, or drug-related supply billed. If an invoice is requested, the invoice must show the:

(a) Name of the drug, device, or drug-related supply;

(b) Drug or product manufacturer;

(c) NDC of the product~~((s))~~ or products;

(d) Drug strength;

(e) Product description;

(f) Quantity; and

(g) Cost, including any free goods associated with the invoice.

(4) The ~~((department))~~ agency does not reimburse providers for the cost of vaccines obtained through the state department of health (DOH). The ~~((department))~~ agency does pay physicians, advanced registered nurse practitioners (ARNP), and pharmacists a fee for administering the vaccine.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-7300 Reimbursement—Requesting a change.** Upon request from a pharmacy provider, the

~~((department))~~ medicaid agency may reimburse at actual acquisition cost (AAC) for a drug that would otherwise be reimbursed at maximum allowable cost (MAC) when:

(1) The availability of lower cost equivalents in the marketplace is severely curtailed and the price disparity between AAC for the drug and the MAC reimbursement affects clients' access; and

(2) An invoice documenting actual acquisition cost relevant to the date the drug was dispensed is provided to the~~((department))~~ agency.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-7350 Reimbursement—Unit dose drug delivery systems.** (1) The ~~((department))~~ medicaid agency pays for unit dose drug delivery systems only for clients residing in nursing facilities, except as provided in subsections (7) and (8) of this section.

(2) Unit dose delivery systems may be either true or modified unit dose.

(3) The ~~((department))~~ agency pays pharmacies that provide unit dose delivery services the ~~((department's))~~ agency's highest allowable dispensing fee for each unit dose prescription dispensed to clients in nursing facilities. The ~~((department))~~ agency reimburses ingredient costs for drugs under unit dose systems as described in WAC ~~((388-530-7000))~~ 182-530-7000.

(4) The ~~((department))~~ agency pays a pharmacy that dispenses drugs in bulk containers or multidose forms to clients in nursing facilities the regular dispensing fee applicable to the pharmacy's total annual prescription volume tier. Drugs the ~~((department))~~ agency considers not deliverable in unit dose form include, but are not limited to, liquids, creams, ointments, ophthalmic and otic solutions. The ~~((department))~~ agency reimburses ingredient costs as described in WAC ~~((388-530-7000))~~ 182-530-7000.

(5) The ~~((department))~~ agency pays a pharmacy that dispenses drugs prepackaged by the manufacturer in unit dose form to clients in nursing facilities the regular dispensing fee applicable under WAC ~~((388-530-7050))~~ 182-530-7050. The ~~((department))~~ agency reimburses ingredient costs for drugs prepackaged by the manufacturer in unit dose form as described in WAC ~~((388-530-7000))~~ 182-530-7000.

(6) The ~~((department))~~ agency limits its coverage and payment for manufacturer-designated unit dose packaging to the following conditions:

(a) The drug is a single source drug and a multidose package for the drug is not available;

(b) The drug is a multiple source drug but there is no other multidose package available among the drug's generic equivalents; or

(c) The manufacturer-designated unit dose package is the most cost-effective package available or it is the least costly alternative form of the drug.

(7) The ~~((department))~~ agency reimburses a pharmacy provider for manufacturer-designated unit dose drugs dispensed to clients not residing in nursing facilities only when such drugs:

(a) Are available in the marketplace only in manufacturer-designated unit dose packaging; and

(b) Would otherwise be covered as an outpatient drug. The unit dose dispensing fee does not apply in such cases. The ~~((department))~~ agency pays the pharmacy the dispensing fee applicable to the pharmacy's total annual prescription volume tier.

(8) The ~~((department))~~ agency may pay for unit dose delivery systems for clients of the ~~((division of))~~ developmental disabilities ~~((DDD))~~ administration (DDA) residing in approved community living arrangements.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-7400 Reimbursement—Compliance packaging services.** (1) The ~~((department))~~ medicaid agency reimburses pharmacies for compliance packaging services provided to clients considered at risk for adverse drug therapy outcomes. Clients who are eligible for compliance packaging services must not reside in a nursing home or other inpatient facility, and must meet (a) and either (b) or (c) of this subsection. The client must:

(a) Have one or more of the following representative disease conditions:

- (i) Alzheimer's disease;
- (ii) Blood clotting disorders;
- (iii) Cardiac arrhythmia;
- (iv) Congestive heart failure;
- (v) Depression;
- (vi) Diabetes;
- (vii) Epilepsy;
- (viii) HIV/AIDS;
- (ix) Hypertension;
- (x) Schizophrenia; or
- (xi) Tuberculosis.

(b) Concurrently consume two or more prescribed medications for chronic medical conditions, that are dosed at three or more intervals per day; or

(c) Have demonstrated a pattern of noncompliance that is potentially harmful to the client's health. The client's pattern of noncompliance with the prescribed drug regimen must be fully documented in the provider's file.

(2) Compliance packaging services include:

(a) Reusable hard plastic containers of any type (e.g., medisets); and

(b) Nonreusable compliance packaging devices (e.g., blister packs).

(3) The ~~((department))~~ agency pays a filling fee and reimburses pharmacies for the compliance packaging device and ~~((#))~~ container. The frequency of fills and number of payable compliance packaging devices per client is subject to limits specified by the ~~((department))~~ agency. The ~~((department))~~ agency does not pay filling or preparation fees for blister packs.

(4) Pharmacies must use the CMS-1500 claim form to bill the ~~((department))~~ agency for compliance packaging services.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-7500 Drug rebate requirement.** (1) The ~~((department))~~ medicaid agency reimburses for outpatient prescription drugs only when they are supplied by manufacturers who have a signed drug rebate agreement with the federal Department of Health and Human Services (DHHS), according to 42 U.S.C. 1396r-8. The manufacturer must be listed on the list of participating manufacturers as published by ~~((CMS))~~ the Center for Medicare and Medicaid Services (CMS).

(2) The fill date must be within the manufacturer's beginning and ending eligibility dates to be reimbursed by the ~~((department))~~ agency.

(3) The ~~((department))~~ agency may extend this rebate requirement to any outpatient drug reimbursements as allowed or required by federal law.

(4) The ~~((department))~~ agency may exempt drugs from the rebate requirement, on a case-by-case basis, when:

(a) It determines that the availability of a single source drug or innovator multiple source drug is essential to the health of beneficiaries; and

(b) All other rebate exemption requirements of SSA Sec. 1927 (42 U.S.C. 1396r-8)(3) are also satisfied.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-7600 Reimbursement—Clients enrolled in managed care.** Except as specified under the ~~((department's))~~ medicaid agency's managed care contracts, the ~~((department))~~ agency does not reimburse providers for any drugs or pharmaceutical supplies provided to clients who have pharmacy benefits under ~~((department))~~ agency-contracted managed care plans. The managed care plan is responsible for payment.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-7800 Reimbursement—Clients with third-party liability.** (1) The ~~((department))~~ medicaid agency requires providers to meet the third-party requirements of WAC ~~((388-501-0200))~~ 182-501-0200.

(2) The following definitions apply to this section:

(a) "Closed pharmacy network" means an arrangement made by an insurer which restricts prescription coverage to an exclusive list of pharmacies. This arrangement prohibits the coverage and/or payment of prescriptions provided by a pharmacy that is not included on the exclusive list.

(b) "Private point-of-sale (POS) authorization system" means an insurer's system, other than the ~~((department's))~~ agency's POS system, which requires that coverage be verified by or submitted to the insurer for authorization at the time of service and at the time the prescription is filled.

(3) This subsection applies to clients who have a third-party resource that is a managed care entity other than ~~((# department))~~ an agency-contracted plan, or have other insurance that requires the use of "closed pharmacy networks" or "private point-of-sale authorization system." The ~~((depart-~~

ment)) agency will not pay pharmacies for prescription drug claims until the pharmacy provider submits an explanation of benefits from the private insurance demonstrating that the pharmacy provider has complied with the terms of the ~~((third party's))~~ third party's coverage.

(a) If the private insurer pays a fee based on the incident of care, the pharmacy provider must file a claim with the ~~((department))~~ agency consistent with the ~~((department's))~~ agency's billing requirements.

(b) If the private insurer pays the pharmacy provider a monthly capitation fee for all prescription costs related to the client, the pharmacy provider must submit a claim to the ~~((department))~~ agency for the amount of the client copayment, coinsurance, and/or deductible. The ~~((department))~~ agency pays the provider the lesser of:

- (i) The billed amount; or
- (ii) The ~~((department's))~~ agency's maximum allowable fee for the prescription.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-7900 Drugs purchased under the Public Health Service (PHS) Act.** (1) Drugs purchased under section 340B of the Public Health Service (PHS) Act can be dispensed to ~~((medical assistance))~~ Washington apple health clients only by PHS-qualified health facilities and must be billed to the ~~((department))~~ medicaid agency at actual acquisition cost (AAC) as required by laws governing the PHS 340B program.

(2) Providers dispensing drugs under this section are required to submit their valid ~~((medical assistance))~~ medicaid provider number(s) to the PHS health resources and services administration, office of pharmacy affairs. This requirement is to ensure that claims for drugs dispensed under this section and paid by the ~~((department))~~ agency are excluded from the drug rebate claims that are submitted to the manufacturers of the drugs. See WAC ~~((388-530-7500))~~ 182-530-7500 for information on the drug rebate program.

(3) The ~~((department))~~ agency reimburses drugs under this section at actual acquisition cost plus a dispensing fee set by the ~~((department))~~ agency.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-8000 Reimbursement method—Estimated acquisition cost (EAC).** (1) The ~~((department))~~ medicaid agency determines estimated acquisition cost (EAC) using:

- (a) Acquisition cost data made available to the ~~((department))~~ agency; or
- (b) Information provided by any of the following:
  - (i) Audit agencies, federal or state;
  - (ii) Other state health care purchasing agencies;
  - (iii) Pharmacy benefit managers;
  - (iv) Individual pharmacy providers participating in the ~~((department's))~~ agency's programs;
  - (v) Centers for Medicare and Medicaid Services (CMS);
  - (vi) Other third-party payers;
  - (vii) Drug file data bases; and ~~((/or))~~

(viii) Actuaries or other consultants.

(2) The ~~((department))~~ agency implements EAC by applying a percentage adjustment to available reference pricing from national sources such as wholesale acquisition cost, average wholesale price (AWP), average sale price (ASP), and average manufacturer price (AMP).

(3) The ~~((department))~~ agency may set EAC for specified drugs or drug categories at a maximum allowable cost other than that determined in subsection (1)(a) of this section when the ~~((department))~~ agency considers it necessary. The factors the ~~((department))~~ agency considers in setting a rate for a class of drugs under this subsection include, but are not limited to:

- (a) Product acquisition cost;
  - (b) The ~~((department's))~~ agency's documented clinical concerns; and
  - (c) The ~~((department's))~~ agency's budget limits.
- (4) The ~~((department))~~ agency bases EAC drug reimbursement on the actual package size dispensed.

(5) The ~~((department))~~ agency uses EAC as the ~~((department's))~~ agency's reimbursement for a drug when EAC is the lowest of the rates calculated under the methods listed in WAC ~~((388-530-7000))~~ 182-530-7000, or when the conditions of WAC ~~((388-530-7300))~~ 182-530-7300 are met.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-8050 Reimbursement—Federal upper limit (FUL).** (1) The ~~((department))~~ medicaid agency adopts the federal upper limit (FUL) set by the Centers for Medicare and Medicaid Services (CMS).

(2) The ~~((department's))~~ agency's maximum payment for multiple-source drugs for which CMS has set FULs will not exceed, in the aggregate, the prescribed upper limits plus the dispensing fees set by the ~~((department))~~ agency.

(3) Except as provided in WAC ~~((388-530-7300))~~ 182-530-7300, the ~~((department))~~ agency uses the FUL as the ~~((department's))~~ agency's reimbursement rate for the drug when the FUL price is the lowest of the rates calculated under the methods listed in WAC ~~((388-530-7000))~~ 182-530-7000.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-8100 Reimbursement—Maximum allowable cost (MAC).** (1) The ~~((department))~~ medicaid agency establishes a maximum allowable cost (MAC) for a multiple-source drug which is available from at least two manufacturers/labelers.

(2) The ~~((department))~~ agency determines the MAC for a multiple-source drug:

- (a) When specific regional and local drug acquisition cost data is available, the ~~((department))~~ agency:
  - (i) Identifies what products are available from wholesalers for each drug being considered for MAC pricing;
  - (ii) Determines pharmacy providers' approximate acquisition costs for these products; and
  - (iii) Establishes the MAC at a level which gives pharmacists access to at least one product from a manufacturer with

a qualified rebate agreement (see WAC ((~~388-530-7500~~)) 182-530-7500(4)).

(b) When specific regional and local drug acquisition cost data is not available, the ((~~department~~)) agency may estimate acquisition cost based on national pricing sources.

(3) The MAC established for a multiple-source drug does not apply if the written prescription identifies that a specific brand is medically necessary for a particular client. In such cases, the estimated acquisition cost (EAC) for the particular brand applies, provided authorization is obtained from the ((~~department~~)) agency as specified under WAC ((~~388-530-3000~~)) 182-530-3000.

(4) Except as provided in subsection (3) of this section, the ((~~department~~)) agency reimburses providers for a multiple-source drug at the lowest of the rates calculated under the methods listed in WAC ((~~388-530-7000~~)) 182-530-7000.

(5) The MAC established for a multiple-source drug may vary by package size, including those identified as unit dose national drug codes (NDCs) by the manufacturer((~~s~~)) or manufacturers of the drug.

**AMENDATORY SECTION** (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-8150 Reimbursement—Automated maximum allowable cost (AMAC).** (1) The ((~~department~~)) medicaid agency uses the automated maximum allowable cost (AMAC) pricing methodology for multiple-source drugs that are:

(a) Not on the published maximum allowable cost (MAC); and

(b) Produced by two or more manufacturers/labelers, at least one of which must have a current, signed federal drug rebate agreement.

(2) The ((~~department~~)) agency establishes AMAC as a specified percentage of the published average wholesale price (AWP) or other nationally accepted pricing source in order to estimate acquisition cost.

(3) The ((~~department~~)) agency sets the percentage discount from AWP for AMAC reimbursement using any of the information sources identified in WAC ((~~388-530-8000~~)) 182-530-8000.

(4) The ((~~department~~)) agency may set AMAC reimbursement at different percentage discounts from AWP for different multiple source drugs. The ((~~department~~)) agency considers the same factors as those in WAC ((~~388-530-8000~~)) 182-530-8000.

(5) AMAC reimbursement for all products with the same ingredient, form and strength is at the AMAC determined for the second lowest priced product, or the AMAC of the lowest priced drug from a manufacturer with a current, signed federal rebate agreement.

(6) The ((~~department~~)) agency recalculates the AMAC each time the drug file contractor provides a pricing update.

(7) Except as provided in WAC ((~~388-530-7300~~)) 182-530-7300, the ((~~department~~)) agency reimburses at the lowest of the rates calculated under the methods listed in WAC ((~~388-530-7000~~)) 182-530-7000.

## WSR 16-01-059

### PERMANENT RULES

### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed December 11, 2015, 11:28 a.m., effective January 11, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Make changes to chapter 392-204 WAC to reflect new legislative language from SSB 5294. For WAC 392-204-005, 392-204-009, 392-204-020 and 392-204-025, replace the word "media" with "information and technology." For WAC 392-204-009, replace the word "certified" with "certificated." For WAC 392-204-025, add a new subsection:

(2) The teacher-librarian's duties may include, but are not limited to, collaborating with his or her schools to:

(a) Integrate information and technology into curriculum and instruction including, but not limited to, instructing other certificated staff about using and integrating information and technology literacy into instruction through workshops, modeling lessons, and individual peer coaching;

(b) Provide information management instruction to students and staff about how to effectively use emerging learning technologies for school and lifelong learning, as well as in the appropriate use of computers and mobile devices in an educational setting;

(c) Help teachers and students efficiently and effectively access the highest quality information available while using information ethically;

(d) Instruct students in digital citizenship, including how to be critical consumers of information and provide guidance about thoughtful and strategic use of online resources; and

(e) Create a culture of reading in the school community, by developing a diverse, student-focused collection of materials that ensures all students can find something of quality to read and by facilitating school-wide reading initiatives along with providing individual support and guidance for students.

Citation of Existing Rules Affected by this Order: Amending chapter 392-204 WAC.

Statutory Authority for Adoption: RCW 28A.320.240.

Adopted under notice filed as WSR 15-20-098 on October 6, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 9, 2015.

Randy Dorn  
Superintendent of  
Public Instruction

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-204-005 Purpose and authority.** (1) The purpose of this chapter is to identify quality criteria for school library (~~(media)~~) information and technology programs, as may be established locally, that support the attainment of the state's learning goals.

(2) The authority for this chapter is RCW 28A.320.240.

AMENDATORY SECTION (Amending WSR 07-04-050, filed 1/31/07, effective 3/3/07)

**WAC 392-204-009 Definitions.** (1) "Teacher-librarian" means a (~~(certified)~~) certificated teacher with a library media endorsement under WAC 181-82A-202 (1)(i), 181-82-344, or 181-82-346.

(2) "School library (~~(media)~~) information and technology program" means a school-based program that is staffed by a certificated teacher-librarian.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-204-020 School library (~~(media)~~) information and technology program.** The school library (~~(media)~~) information and technology program is to include resources that promote a positive impact on student learning, such as a variety of resources for reading advocacy, student communication skills, electronic and print information, and resources that support student mastery of the essential academic learning requirements in all subject areas and the implementation of the district's school improvement plan, consistent with the goals for Washington common schools, as adopted by the state board of education.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-204-025 Services.** (1) The teacher-librarian, through the school library (~~(media)~~) information and technology program, shall collaborate as an instructional partner and informational specialist with classroom teachers to develop students' information and technology skills, help all students meet the content goals in all subject areas, and assist high school students completing the culminating project and high school and beyond plans required for graduation under WAC 180-51-061.

(2) The teacher-librarian's duties may include, but are not limited to, collaborating with his or her schools to:

(a) Integrate information and technology into curriculum and instruction including, but not limited to, instructing other certificated staff about using and integrating information and technology literacy into instruction through workshops, modeling lessons, and individual peer coaching;

(b) Provide information management instruction to students and staff about how to effectively use emerging learning technologies for school and lifelong learning, as well as in the appropriate use of computers and mobile devices in an educational setting;

(c) Help teachers and students efficiently and effectively access the highest quality information available while using information ethically;

(d) Instruct students in digital citizenship, including how to be critical consumers of information and provide guidance about thoughtful and strategic use of online resources; and

(e) Create a culture of reading in the school community by developing a diverse, student-focused collection of materials that ensures all students can find something of quality to read and by facilitating school-wide reading initiatives along with providing individual support and guidance for students.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-204-055 Other sources.

#### WSR 16-01-069

#### PERMANENT RULES

#### DEPARTMENT OF REVENUE

[Filed December 14, 2015, 9:24 a.m., effective January 1, 2016]

Effective Date of Rule: January 1, 2016.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The forest land values rule is required by statute (RCW 84.33.140) to be effective on January 1, 2016. The stumpage value rule is also required by statute (RCW 84.33.091) to be effective on January 1, 2016.

Purpose: WAC 458-40-540 contains the forest land values used by county assessors for property tax purposes. This rule is being revised to provide the forest land values to be used in 2016.

WAC 458-40-660 contains the stumpage values used by harvesters of timber to calculate the timber excise tax. This rule is being revised to provide the stumpage values to be used during the first half of 2016.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-540 and 458-40-660.

Statutory Authority for Adoption: RCW 82.01.060(2), 82.32.300, and 84.33.096.

Adopted under notice filed as WSR 15-22-057 on October 30, 2015.

A final cost-benefit analysis is available by contacting Mark E. Bohe, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 534-1574, fax (360) 534-1606, e-mail markbohe@dor.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 14, 2015.

Kevin Dixon  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 15-01-095, filed 12/17/14, effective 1/1/15)

**WAC 458-40-540 Forest land values—((2015)) 2016.** The forest land values, per acre, for each grade of forest land for the ((2015)) 2016 assessment year are determined to be as follows:

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE ((2015)) 2016
1	1	\$((193)) 203
	2	((191)) 201
	3	((179)) 188
	4	((130)) 137
2	1	((164)) 172
	2	((158)) 166
	3	((151)) 159
	4	((108)) 113
3	1	((127)) 133
	2	((123)) 129
	3	((122)) 128
	4	((94)) 99
4	1	((98)) 103
	2	((95)) 100
	3	((94)) 99
	4	((71)) 75
5	1	((71)) 75
	2	((63)) 66
	3	((62)) 65
	4	((44)) 46
6	1	((36)) 38
	2	((34)) 36
	3	((34)) 36
	4	((32)) 34
7	1	((16)) 17
	2	((16)) 17
	3	((15)) 16
	4	((15)) 16
8	1	1

**AMENDATORY SECTION** (Amending WSR 15-14-019, filed 6/22/15, effective 7/1/15)

**WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) Introduction.** This rule provides stumpage value tables and stumpage value adjustments used to calculate the amount of a harvester's timber excise tax.

(2) **Stumpage value tables.** The following stumpage value tables are used to calculate the taxable value of stumpage harvested from ((July 1 through December 31, 2015)) **January 1 through June 30, 2016:**

**Washington State Department of Revenue  
STUMPAGE VALUE TABLE  
((July 1 through December 31, 2015))  
January 1 through June 30, 2016**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>(1)</sup>  
Starting July 1, 2012, there are no separate  
Quality Codes per Species Code.

Species Name	Species Code	SVA (Stumpage Value Area)	Haul Zone				
			1	2	3	4	5
((Douglas-fir <sup>(2)</sup> )	DF	1	\$463	\$456	\$449	\$442	\$435
		2	485	478	471	464	457
		3	457	450	443	436	429
		4	527	520	513	506	499
		5	474	467	460	453	446
		6	282	275	268	261	254
Western-Hemlock and Other Conifer <sup>(3)</sup>	WH	1	312	305	298	291	284
		2	363	356	349	342	335
		3	374	367	360	353	346
		4	359	352	345	338	331
		5	354	347	340	333	326
		6	260	253	246	239	232
Western Red-cedar <sup>(4)</sup>	RC	1-5	963	956	949	942	935
		6	704	697	690	683	676
Ponderosa-Pine <sup>(5)</sup>	PP	1-6	232	225	218	211	204
Red-Alder	RA	1-5	492	485	478	471	464
Black-Cottonwood	BC	1-5	80	73	66	59	52
Other Hardwood	OH	1-5	338	331	324	317	310
		6	32	25	18	11	4
Douglas-fir Poles & Piles	DFL	1-5	879	872	865	858	851
Western Red-cedar Poles	RCL	1-5	1522	1515	1508	1501	1494
		6	953	946	939	932	925
Chipwood <sup>(6)</sup>	CHW	1-5	10	9	8	7	6
		6	4	3	2	1	1
Small Logs <sup>(6)</sup>	SML	6	24	23	22	21	20
RC Shake & Shingle Blocks <sup>(7)</sup>	RCS	1-6	289	282	275	268	261
Posts <sup>(8)</sup>	LPP	1-6	0.35	0.35	0.35	0.35	0.35
DF Christmas Trees <sup>(9)</sup>	DFX	1-6	0.25	0.25	0.25	0.25	0.25

Species Name	Species Code	SVA (Stumpage Value Area)	Haul Zone				
			1	2	3	4	5
Other Christmas Trees <sup>(9)</sup>	TFX	1-6	0.50	0.50	0.50	0.50	0.50
Douglas-fir <sup>(2)</sup>	DF	1	\$423	\$416	\$409	\$402	\$395
		2	459	452	445	438	431
		3	482	475	468	461	454
		4	506	499	492	485	478
		5	429	422	415	408	401
		6	307	300	293	286	279
Western Hemlock and Other Conifer <sup>(3)</sup>	WH	1	266	259	252	245	238
		2	323	316	309	302	295
		3	310	303	296	289	282
		4	289	282	275	268	261
		5	280	273	266	259	252
		6	260	253	246	239	232
Western Redcedar <sup>(4)</sup>	RC	1-5	958	951	944	937	930
		6	783	776	769	762	755
Ponderosa Pine <sup>(5)</sup>	PP	1-6	240	233	226	219	212
Red Alder	RA	1-5	476	469	462	455	448
Black Cottonwood	BC	1-5	86	79	72	65	58
Other Hardwood	OH	1-5	328	321	314	307	300
		6	32	25	18	11	4
Douglas-fir Poles & Piles	DFL	1-5	817	810	803	796	789
Western Redcedar Poles	RCL	1-5	1544	1537	1530	1523	1516
		6	1026	1019	1012	1005	998
Chipwood <sup>(6)</sup>	CHW	1-5	12	11	10	9	8
		6	4	3	2	1	1
Small Logs <sup>(6)</sup>	SML	6	25	24	23	22	21
RC Shake & Shingle Blocks <sup>(7)</sup>	RCS	1-6	289	282	275	268	261
Posts <sup>(8)</sup>	LPP	1-6	0.35	0.35	0.35	0.35	0.35
DF Christmas Trees <sup>(9)</sup>	DFX	1-6	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>(9)</sup>	TFX	1-6	0.50	0.50	0.50	0.50	0.50

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes all Hemlock, Spruce and true Fir species, Lodgepole Pine in SVA 6, or any other conifer not listed on this page.
- (4) Includes Alaska-Cedar.
- (5) Includes Western White Pine in SVA 6, and all Pines in SVA 1-5.
- (6) Stumpage value per ton.
- (7) Stumpage value per cord.
- (8) Includes Lodgepole posts and other posts, Stumpage Value per 8 lineal feet or portion thereof.
- (9) Stumpage Value per lineal foot.

(3) **Harvest value adjustments.** The stumpage values in subsection (2) of this rule for the designated stumpage value

areas are adjusted for various logging and harvest conditions, subject to the following:

(a) No harvest adjustment is allowed for special forest products, chipwood, or small logs.

(b) Conifer and hardwood stumpage value rates cannot be adjusted below one dollar per MBF.

(c) Except for the timber yarded by helicopter, a single logging condition adjustment applies to the entire harvest unit. The taxpayer must use the logging condition adjustment class that applies to a majority (more than 50%) of the acreage in that harvest unit. If the harvest unit is reported over more than one quarter, all quarterly returns for that harvest unit must report the same logging condition adjustment. The helicopter adjustment applies only to the timber volume from the harvest unit that is yarded from stump to landing by helicopter.

(d) The volume per acre adjustment is a single adjustment class for all quarterly returns reporting a harvest unit. A harvest unit is established by the harvester prior to harvesting. The volume per acre is determined by taking the volume logged from the unit excluding the volume reported as chipwood or small logs and dividing by the total acres logged. Total acres logged does not include leave tree areas (RMZ, UMZ, forested wetlands, etc.) over 2 acres in size.

(e) A domestic market adjustment applies to timber which meet the following criteria:

(i) **Public timber** - Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska-cedar. (Stat. Ref. - 36 C.F.R. 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Redcedar only. (Stat. Ref. - 50 U.S.C. appendix 2406.1)

(ii) **Private timber** - Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the act of March 29, 1944 (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The following harvest adjustment tables apply from ((July 1 through December 31, 2015)) January 1 through June 30, 2016:

**TABLE 9—Harvest Adjustment Table**  
**Stumpage Value Areas 1, 2, 3, 4, and 5**  
 ((July 1 through December 31, 2015))  
 January 1 through June 30, 2016

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of 30 thousand board feet or more per acre.	\$0.00



Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 2	Harvest of 10 thousand board feet to but not including 30 thousand board feet per acre.	-\$15.00
Class 3	Harvest of less than 10 thousand board feet per acre.	-\$35.00
II. Logging conditions		
Class 1	Ground based logging a majority of the unit using tracked or wheeled vehicles or draft animals.	\$0.00
Class 2	Cable logging a majority of the unit using an overhead system of winch driven cables.	-\$85.00
Class 3	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning		
Class 1	A limited removal of timber described in WAC 458-40-610 (28)	-\$100.00

**TABLE 10—Harvest Adjustment Table  
Stumpage Value Area 6  
(July 1 through December 31, 2015)  
January 1 through June 30, 2016**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 8 thousand board feet per acre and less.	-\$8.00
II. Logging conditions		
Class 1	The majority of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	The majority of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$50.00
Class 3	The majority of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$75.00
Class 4	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00
Note:	A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department of revenue.	
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00

TABLE 11—Domestic Market Adjustment		
Class	Area Adjustment Applies	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
	SVAs 1 through 5 only:	\$0.00

Note: This adjustment only applies to published MBF sawlog values.

(4) **Damaged timber.** Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for an adjustment in stumpage values. The application must contain a map with the legal descriptions of the area, an accurate estimate of the volume of damaged timber to be removed, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. The application must be received and approved by the department of revenue before the harvest commences. Upon receipt of an application, the department of revenue will determine the amount of adjustment to be applied against the stumpage values. Timber that has been damaged due to sudden and unforeseen causes may qualify.

(a) Sudden and unforeseen causes of damage that qualify for consideration of an adjustment include:

(i) Causes listed in RCW 84.33.091; fire, blow down, ice storm, flood.

(ii) Others not listed; volcanic activity, earthquake.

(b) Causes that do not qualify for adjustment include:

(i) Animal damage, root rot, mistletoe, prior logging, insect damage, normal decay from fungi, and pathogen caused diseases; and

(ii) Any damage that can be accounted for in the accepted normal scaling rules through volume or grade reductions.

(c) The department of revenue will not grant adjustments for applications involving timber that has already been harvested but will consider any remaining undisturbed damaged timber scheduled for removal if it is properly identified.

(d) The department of revenue will notify the harvester in writing of approval or denial. Instructions will be included for taking any adjustment amounts approved.

(5) **Forest-derived biomass,** has a \$0/ton stumpage value.

**WSR 16-01-074  
PERMANENT RULES  
OFFICE OF**

**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2014-08—Filed December 14, 2015, 2:53 p.m., effective January 14, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: In May 2014, the office of insurance commissioner completed the first phase of rule making to clarify its expectations for health insurance issuers' provider networks. This "phase 2" of rule-making offers additional guidance to issuers on the implementation of phase 1 network access

standards. The rules require that issuers document and maintain their networks to provide ongoing access. They also ensure that network-related processes and procedures do not serve as a barrier to access.

Citation of Existing Rules Affected by this Order: Amending WAC 284-43-251, 284-43-300, 284-43-310, 284-43-320, and 284-43-330.

Statutory Authority for Adoption: RCW 48.02.060, 48.18.120, 48.20.450, 48.20.460, 48.43.055, 48.43.505, 48.43.510, 48.43.515, 48.43.530, 48.43.535, 48.43.730, 48.44.020, 48.44.050, 48.44.080, 48.46.030, 48.46.200.

Adopted under notice filed as WSR 15-13-117 on June 16, 2015.

Changes Other than Editing from Proposed to Adopted Version: WAC 284-43-202 (3)(a), added specificity to the timeframe for reporting changes to a network.

WAC 284-43-225(2), added "These records must be retained for a period of ten years."

WAC 284-43-300, deleted "Provider networks must include and maintain every provider category and type necessary to deliver covered services."

WAC 284-43-310 (1)(b), deleted "practitioners."

WAC 284-43-320(14), added effective date and safe harbor.

A final cost-benefit analysis is available by contacting Jim Freeburg, P.O. Box 40260, Olympia, WA 98504-0260, phone (360) 725-7170, fax (360) 586-3109, e-mail rules coordinator@oic.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 3, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 5, Repealed 0.

Date Adopted: December 14, 2015.

Mike Kreidler  
Insurance Commissioner

## NEW SECTION

**WAC 284-43-202 Maintenance of sufficient provider networks.** (1) An issuer must maintain and monitor its provider networks on an ongoing basis for compliance with the network access standards set forth in WAC 284-43-200. This includes an issuer of a stand-alone dental plan offered through the exchange or a stand-alone dental plan offered outside the exchange for the purpose of providing the essential health benefit category of pediatric oral benefits, which must maintain and monitor its networks for compliance with WAC 284-43-200(14). An issuer must report to the commis-

sioner, within the time frames stated in this section, any changes affecting the ability of its network providers and facilities to furnish covered services to enrollees.

(2) An issuer must notify the OIC in writing within five business days of either receiving or issuing a written notice of potential contract termination that would affect the network's ability to meet the standards set forth in WAC 284-43-200. Notice of potential termination must include an issuer's preliminary determination of whether an alternate access delivery request must be filed and the documentation supporting that determination. The issuer's notice must be submitted electronically following the submission instructions on the commissioner's web site.

(a) If the issuer determines that an alternate access delivery request must be submitted to comply with WAC 284-43-200(15), the issuer has ten business days to submit the request and supporting documentation for the alternate access delivery request in accordance with WAC 284-43-220 (3)(d).

(b) If, after reviewing the issuer's preliminary determination that an alternate access delivery request is not necessary, the OIC determines that an alternate access delivery request is required to comply with WAC 284-43-200(15), the issuer has five business days to submit the request and supporting documentation for the alternate access delivery request in accordance with WAC 284-43-220 (3)(d).

(c) If the OIC determines that a network is out of compliance with WAC 284-43-200 and the issuer has failed to report this change to the OIC, the issuer must, within one business day of notification by the OIC, submit an alternate access delivery request in accordance with WAC 284-43-200(15) and supporting documentation for the alternate access delivery request in accordance with WAC 284-43-220 (3)(d).

(3) An issuer of a health plan must maintain and monitor, on an ongoing basis, the ability and clinical capacity of its network providers and facilities to furnish covered health plan services to enrollees. An issuer must notify the commissioner in writing within fifteen days of a change in its network as described below:

(a) A reduction, by termination or otherwise, of ten percent or more in the number of either specialty providers, mental health providers, or facilities participating in the network;

(i) The initial time frame for measuring this reduction is from the network's initial approval date until the January 1st following the initial approval date.

(ii) After the January 1st following the network's initial approval date, the time frame for measuring this reduction is from January 1st to the following January 1st.

(b) Termination or reduction of a specific type of specialty provider on the American Board of Medical Specialties list of specialty and subspecialty certificates, where there are fewer than two of the specialists in a service area;

(c) An increase or reduction of twenty-five percent or more in the number of enrollees in the service area since the annual approval date;

(d) A reduction of five percent or more in the number of primary care providers in the service area who are accepting new patients;

(e) The termination or expiration of a contract with a hospital or any associated hospital-based medical group within a service area;

(f) A fifteen percent reduction in the number of providers or facilities for a specific chronic condition or disease participating in the network where the chronic condition or disease affects more than five percent of the issuer's enrollees in the service area. For purposes of monitoring, chronic illnesses are those conditions identified (or recognized) by the Centers for Medicare and Medicaid Services within the most current version of the Centers for Medicare and Medicaid Chronic Conditions Data Warehouse (CCW) data base available on the CMS.gov web site; or

(g) Written notice to the commissioner must include the issuer's preliminary determination whether the identified changes in the network require an alternate access delivery request in accordance with WAC 284-43-220 (3)(d).

(i) If the issuer determines that an alternate access delivery request must be submitted, the issuer has ten business days to submit the request and supporting documentation for the alternate access delivery request in accordance with WAC 284-43-220 (3)(d).

(ii) If, after reviewing the issuer's preliminary determination that an alternate access delivery request is not required, the OIC determines that an alternate access delivery request is required, the issuer has five business days to submit the request and supporting documentation for the alternate access delivery request in accordance with WAC 284-43-220 (3)(d).

(iii) If the OIC determines that a network is out of compliance with these standards and the issuer has failed to report this change to the OIC, the issuer must, within one business day of notification by the OIC, submit an alternate access delivery request in accordance with WAC 284-43-200(15) and supporting documentation for the alternate access delivery request in accordance with WAC 284-43-220 (3)(d).

(4) An issuer of a stand-alone dental plan offered through the exchange or of a stand-alone dental plan offered outside the exchange for the purpose of providing the essential health benefit category of pediatric oral benefits must maintain and monitor, on an ongoing basis, the ability and clinical capacity of its network providers and facilities to furnish covered services to enrollees. An issuer must notify the commissioner in writing within fifteen days of the change in its network as described below:

(a) A reduction, by termination or otherwise, of ten percent or more in the number of specialty providers in the network since the initial approval date;

(b) An increase or reduction of twenty-five percent or more in the number of enrollees in the service area since the annual approval date;

(c) A reduction of five percent or more in the number of providers of preventive and general dentistry accepting new patients in the service area;

(d) Notice to the commissioner must include the issuer's preliminary determination whether an alternate access delivery request must be submitted with supporting documentation in accordance with WAC 284-43-220 (3)(d).

(i) If the issuer determines that an alternate access delivery request must be submitted, the issuer has ten business

days to submit the request and supporting documentation in accordance with WAC 284-43-220 (3)(d).

(ii) If after reviewing the issuer's preliminary determination that an alternate access delivery request is not required, the OIC determines that an alternate access delivery request is required, the issuer has five business days to submit the request and supporting documentation for the request in accordance with WAC 284-43-220 (3)(d).

(iii) If the OIC determines that a network is not in compliance with these standards and the issuer has failed to report this change to the OIC, the issuer must, within one business day of notification by the OIC, submit an alternate access delivery request in accordance with WAC 284-43-200(15) and supporting documentation for the request in accordance with WAC 284-43-220 (3)(d).

(5) The following network access standards must be met on an ongoing basis:

(a) The actuarial projections of health care costs submitted as part of a premium rate filing must continue to be based on the actual network the issuer proposes for the health plan's service areas.

(b) A practice that is not currently accepting new patients may be included in a provider network for purposes of reporting network access, but must not be used to justify network access for anticipated enrollment growth.

(c) An issuer must have and maintain in its network a sufficient number and type of providers to whom direct access is required under RCW 48.43.515 (2) and (5) and 48.42.100 to accommodate all new and existing enrollees in the service areas.

(d) Issuers that use the following network models must maintain and monitor the continuity and coordination of care that enrollees receive: Networks that include medical home or medical management services in lieu of providing access to specialty or ancillary services through primary care provider referral, and networks where the issuer requires providers to whom an enrollee has direct access to notify the enrollee's primary care provider of treatment plans and services delivered. For these models, an issuer must perform continuity and coordination of care in a manner consistent with professionally recognized evidence-based standards of practice, across the health plan network. The baseline for such coordination is maintenance and monitoring as often as is necessary, but not less than once a year:

(i) The systems or processes for integration of health care services by medical and mental health providers;

(ii) The exchange of information between primary and specialty providers;

(iii) Appropriate diagnosis, treatment, and referral practices;

(iv) Access to treatment and follow-up for enrollees with coexisting conditions including, but not limited to, a mental health condition coexisting with a chronic health condition.

(6) This section is effective for all plans, whether new or renewed, with effective dates on or after January 1, 2016.

#### NEW SECTION

**WAC 284-43-225 Issuer recordkeeping—Provider networks.** (1) An issuer must make available to the commis-

sioner upon request its records, contracts, and agreements related to its provider networks.

(a) Records to support proof of good faith contracting efforts must be retained for seven years.

(b) Signed contracts, reimbursement agreements, and associated accounting records must be retained for ten years after the contract is terminated.

(2) Beginning January 1, 2016, an issuer must be able to provide to the commissioner upon request the following information for a time period specified by the commissioner. These records must be retained for a period of ten years:

(a) The number of requests submitted for prior authorization for services by all providers and facilities;

(b) The total number of such requests processed; and

(c) The total number of such requests denied.

AMENDATORY SECTION (Amending WSR 01-03-033, filed 1/9/01, effective 7/1/01)

**WAC 284-43-251 ~~((Covered person's))~~ Enrollee's access to providers.** (1) Each ~~((carrier))~~ issuer must allow ~~((a covered person))~~ an enrollee to choose a primary care provider who is accepting new patients from a list of participating providers. ~~((Covered persons))~~

(a) Enrollees also must be permitted to change primary care providers at any time with the change becoming effective ~~((no))~~ not later than the beginning of the month following the ~~((covered person's))~~ enrollee's request for the change.

(b) The issuer must ensure at all times that there are a sufficient number of primary care providers in the service area accepting new patients to accommodate new enrollees if the plan is open to new enrollment, and to ensure that existing enrollees have the ability to change primary care providers.

(2) Each issuer must allow an enrolled child direct access to a pediatrician from a list of participating pediatricians within their network who are accepting new patients.

(a) Enrollees must be permitted to change pediatricians at any time, with the change becoming effective not later than the beginning of the month following the enrollee's request for the change.

(b) Each issuer must ensure at all times that there are a sufficient number of pediatricians in the service area accepting new patients to accommodate new enrollees if the plan is open to new enrollment, and to ensure that existing enrolled children have the ability to change pediatricians.

~~((2))~~ (3) Each ~~((carrier))~~ issuer must have a process whereby ~~((a covered person))~~ an enrollee with a complex or serious medical condition or ~~((psychiatric))~~ mental health or substance use disorder, including behavioral health condition, may receive a standing referral to a participating specialist for an extended period of time. The standing referral must be consistent with the ~~((covered person's))~~ enrollee's medical or mental health needs and plan benefits. For example, a one-month standing referral would not satisfy this requirement when the expected course of treatment was indefinite. However, a referral does not preclude ~~((carrier))~~ issuer performance of utilization review functions.

~~((3))~~ Each carrier shall provide covered persons)) (4) Each issuer must provide enrollees with direct access to the participating chiropractor of the ~~((covered person's))~~

enrollee's choice for covered chiropractic health care without the necessity of prior referral. Nothing in this subsection ~~((shall prevent carriers))~~ prevents issuers from restricting ~~((covered persons))~~ enrollees to seeing only chiropractors who have signed participating provider agreements or from utilizing other managed care and cost containment techniques and processes such as prior authorization for services. For purposes of this subsection, "covered chiropractic health care" means covered benefits and limitations related to chiropractic health services as stated in the plan's medical coverage agreement, with the exception of any provisions related to prior referral for services.

~~((4))~~ Each carrier)) (5) Each issuer must provide, upon the request of ~~((a covered person))~~ an enrollee, access by the ~~((covered person))~~ enrollee to a second opinion regarding any medical diagnosis or treatment plan from a qualified participating provider of the ~~((covered person's))~~ enrollee's choice. The ~~((carrier))~~ issuer may not impose any charge or cost upon the ~~((covered person))~~ enrollee for such second opinion other than ~~((a))~~ the charge or cost imposed for the same service in otherwise similar circumstances.

~~((5))~~ Each carrier)) (6) Each issuer must cover services of a primary care provider whose contract with the plan or whose contract with a subcontractor is being terminated by the plan or subcontractor without cause under the terms of that contract:

(a) For at least sixty days following notice of termination to the ~~((covered persons or,))~~ enrollees; or

(b) In group coverage arrangements involving periods of open enrollment, only until the end of the next open enrollment period.

(i) Notice to ~~((covered persons shall))~~ enrollees must include information of the ~~((covered person's))~~ enrollee's right of access to the terminating provider for an additional sixty days.

(ii) The provider's relationship with the ~~((carrier))~~ issuer or subcontractor must be continued on the same terms and conditions as those of the contract the plan or subcontractor is terminating, except for any provision requiring that the ~~((carrier))~~ issuer assign new ~~((covered persons))~~ enrollees to the terminated provider.

~~((6))~~ Each carrier shall)) (7) Each issuer must make a good faith effort to assure that written notice of a termination ~~((within fifteen working days of receipt or issuance of a notice of termination is provided to all covered persons))~~ is provided at least thirty days prior to the effective date of the termination to all enrollees who are patients seen on a regular basis by the provider or facility whose contract is terminating, irrespective of whether the termination was for cause or without cause. When a termination for cause provides less than thirty days notice to the carrier or provider, an issuer must make a good faith effort to assure that written notice of termination is provided immediately to all enrollees.

AMENDATORY SECTION (Amending WSR 98-04-005, filed 1/22/98, effective 2/22/98)

**WAC 284-43-300 Provider and facility contracts with ~~((health carriers))~~ issuers—Generally.** ~~((A health carrier))~~ (1) An issuer contracting with providers or facilities for

health care service delivery to ~~((covered persons shall))~~ enrollees must satisfy all the requirements contained in this subchapter. ~~((The health carrier shall ensure that providers and facilities subcontracting with these providers and facilities under direct contract with the carrier also satisfy the requirements of this subchapter.))~~

(2) An issuer must ensure that subcontractors of its contracted providers and facilities comply with the requirements of this subchapter. An issuer's obligation to comply with these requirements is nondelegable; the issuer is not exempt from these requirements because it relied upon a third-party vendor or subcontracting arrangement.

AMENDATORY SECTION (Amending WSR 98-04-005, filed 1/22/98, effective 2/22/98)

**WAC 284-43-310 Selection of participating providers—Credentialing and unfair discrimination.** (1) ~~((Health carrier selection))~~ An issuer must develop standards for selecting participating providers (and facilities shall be developed by the carrier), for primary care providers, and for each health care provider or facility license ((or) and professional specialty. The standards ((shall)) must be used in determining the selection of health care providers and facilities by the ((health carrier)) issuer. The standards ((shall)) must be consistent with rules or standards established by the state department of health or other regulatory authority established in Title 18 RCW for health care providers specified in RCW 18.130.040. Selection criteria ((shall)) must not be established in a manner that would:

(a) ~~((That would allow a health carrier))~~ Allow an issuer to avoid risk by excluding providers or facilities because they are located in geographic areas that contain populations presenting a risk of higher than average claims, losses, or health services utilization; ((or))

(b) ~~((That would))~~ Exclude providers or facilities because they treat or specialize in treating persons presenting a risk of higher than average claims, losses, or health services utilization or because they treat or specialize in treating minority or special populations; or

(c) Discriminate regarding participation in the network solely based on the provider or facility type or category if the provider is acting within the scope of their license.

(2) The provisions of subsection (1) ~~((a) and (b))~~ of this section ~~((shall))~~ must not be construed to prohibit ((a carrier)) an issuer from declining to select a provider or facility who fails to meet other legitimate selection criteria of the ((carrier)) issuer. The purpose of these provisions is to prevent ((network creation and provider or facility selection to serve as a substitute for)) prohibited health risk avoidance or prohibited discrimination through network creation and provider or facility selection.

(3) The provisions of this subchapter do not require ~~((a health carrier))~~ an issuer to employ, to contract with, or retain more providers or facilities than are necessary to comply with the network ((adequacy)) access standards of this chapter.

(4) ~~((A health carrier shall))~~ An issuer must make its selection standards for participating providers and facilities available for review upon request by the commissioner.

AMENDATORY SECTION (Amending WSR 99-21-016, filed 10/11/99, effective 11/11/99)

**WAC 284-43-320 Provider contracts—Standards—Hold harmless provisions.** The execution of a contract by ~~((a health carrier shall))~~ an issuer does not relieve the ((health carrier)) issuer of its obligations to any ((covered person)) enrollee for the provision of health care services, nor of its responsibility for compliance with statutes or regulations. In addition to the contract form filing requirements of this subchapter, all individual provider and facility contracts ((shall)) must be in writing and available for review upon request by the commissioner.

(1) ~~((A health carrier shall))~~ An issuer must establish a mechanism by which its participating providers and facilities can obtain timely information on patient eligibility for health care services and health plan benefits, including any limitations or conditions on services or benefits.

(2) Nothing contained in a participating provider or a participating facility contract may have the effect of modifying benefits, terms, or conditions contained in the health plan. In the event of any conflict between the contract and a health plan, the benefits, terms, and conditions of the health plan ~~((shall))~~ must govern with respect to coverage provided to ((covered persons)) enrollees.

~~((2))~~ (3) Each participating provider and participating facility contract ~~((shall))~~ must contain the following provisions ((or variations approved by the commissioner)):

"(a) ((<sup>(1)</sup>)) {Name of provider or facility} hereby agrees that in no event, including, but not limited to nonpayment by {name of ((carrier)) issuer}, {name of ((carrier's)) issuer's} insolvency, or breach of this contract ~~((shall))~~ will {name of provider or facility} bill, charge, collect a deposit from, seek compensation, remuneration, or reimbursement from, or have any recourse against ~~((a covered person))~~ an enrollee or person acting on their behalf, other than {name of ((carrier)) issuer}, for services provided pursuant to this contract. This provision ((shall)) does not prohibit collection of {deductibles, copayments, coinsurance, and/or payment for noncovered services}, which have not otherwise been paid by a primary or secondary ((carrier)) issuer in accordance with regulatory standards for coordination of benefits, from ((covered persons)) enrollees in accordance with the terms of the ((covered person's)) enrollee's health plan.((<sup>(2)</sup>))

(b) ((<sup>(2)</sup>)) {Name of provider or facility} agrees, in the event of {name of ((carrier's)) issuer's} insolvency, to continue to provide the services promised in this contract to ~~((covered persons))~~ enrollees of {name of ((carrier)) issuer} for the duration of the period for which premiums on behalf of the ((covered person)) enrollee were paid to {Name of ((carrier)) issuer} or until the ((covered person's)) enrollee's discharge from inpatient facilities, whichever time is greater.((<sup>(2)</sup>))

(c) ((<sup>(2)</sup>)) Notwithstanding any other provision of this contract, nothing in this contract shall be construed to modify the rights and benefits contained in the ~~((covered person's))~~ enrollee's health plan.((<sup>(2)</sup>))

(d) ((<sup>(2)</sup>)) {Name of provider or facility} may not bill the ~~((covered person))~~ enrollee for covered services (except for deductibles, copayments, or coinsurance) where {name of ((carrier)) issuer} denies payments because the provider or

facility has failed to comply with the terms or conditions of this contract.<sup>(2)</sup>

(e) <sup>(2)</sup>{Name of provider or facility} further agrees (i) that the provisions of (a), (b), (c), and (d) of this subsection ~~((for identifying citations appropriate to the contract form))~~ shall survive termination of this contract regardless of the cause giving rise to termination and shall be construed to be for the benefit of {name of ~~((carrier's) covered persons)~~ issuer's} enrollees, and (ii) that this provision supersedes any oral or written contrary agreement now existing or hereafter entered into between {name of provider or facility} and ~~((covered persons))~~ enrollees or persons acting on their behalf.<sup>(2)</sup>

(f) <sup>(2)</sup>If {name of provider or facility} contracts with other providers or facilities who agree to provide covered services to ~~((covered persons))~~ enrollees of {name of ~~((carrier))~~ issuer} with the expectation of receiving payment directly or indirectly from {name of ~~((carrier))~~ issuer}, such providers or facilities must agree to abide by the provisions of (a), (b), (c), (d), and (e) of this subsection ~~((for identifying citations appropriate to the contract form))~~.

~~((3))~~ (4) The contract ~~((shall))~~ must inform participating providers and facilities that willfully collecting or attempting to collect an amount from ~~((a covered person))~~ an enrollee knowing that collection to be in violation of the participating provider or facility contract constitutes a class C felony under RCW 48.80.030(5).

~~((4) A health carrier shall))~~ (5) An issuer must notify participating providers and facilities of their responsibilities with respect to the health ~~((carrier's))~~ issuer's applicable administrative policies and programs, including but not limited to payment terms, utilization review, quality assessment and improvement programs, credentialing, grievance, appeal and adverse benefit determination procedures, data reporting requirements, pharmacy benefit substitution processes, confidentiality requirements and any applicable federal or state requirements.

(6) An issuer must make all documents, procedures, and other administrative policies and programs referenced in the contract ~~((must be))~~ available for review by the provider or facility prior to contracting. An issuer may comply with this subsection by providing electronic access.

(a) Participating providers and facilities must be given reasonable notice of not less than sixty days of changes that affect provider or facility compensation ~~((and))~~ or that affect health care service delivery unless changes to federal or state law or regulations make such advance notice impossible, in which case notice ~~((shall))~~ must be provided as soon as possible.

(b)(i) Subject to any termination and continuity of care provisions of the contract, a provider or facility may terminate the contract without penalty if the provider or facility does not agree with the changes, subject to the requirements in subsection (9) of this section.

(ii) A material amendment to a contract may be rejected by a provider or facility. The rejection will not affect the terms of the existing contract. A material amendment has the same meaning as in RCW 48.39.005.

(c) No change to the contract may be made retroactive without the express written consent of the provider or facility.

~~((5) The following provision is a restatement of a statutory requirement found in RCW 48.43.075 included here for ease of reference:))~~ (d) An issuer must give a provider or facility full access to the coverage and service terms of the applicable health plan for an enrolled patient.

(7) Each participating provider and participating facility contract must contain the following provisions:

(a) "No health carrier subject to the jurisdiction of the state of Washington may in any way preclude or discourage their providers from informing patients of the care they require, including various treatment options, and whether in their view such care is consistent with medical necessity, medical appropriateness, or otherwise covered by the patient's service agreement with the health carrier. No health carrier may prohibit, discourage, or penalize a provider otherwise practicing in compliance with the law from advocating on behalf of a patient with a health carrier. Nothing in this section shall be construed to authorize providers to bind health carriers to pay for any service."

(b) "No health carrier may preclude or discourage patients or those paying for their coverage from discussing the comparative merits of different health carriers with their providers. This prohibition specifically includes prohibiting or limiting providers participating in those discussions even if critical of a carrier."

~~((6) A health carrier shall))~~

(8) Subject to applicable state and federal laws related to the confidentiality of medical or health records, an issuer must require participating providers and facilities to make health records available to appropriate state and federal authorities involved in assessing the quality of care or investigating ~~((the grievances or complaints of covered persons subject to applicable state and federal laws related to the confidentiality of medical or health records.~~

~~((7) A health carrier))~~ complaints, grievances, appeals, or review of any adverse benefit determinations of enrollees. An issuer must require providers and facilities to cooperate with audit reviews of encounter data in relation to the administration of health plan risk adjustment and reinsurance programs.

(9) An issuer and participating provider and facility ~~((shall))~~ must provide at least sixty days' written notice to each other before terminating the contract without cause. ~~((The health carrier shall))~~

(10) Whether the termination was for cause, or without cause, the issuer must make a good faith effort to ~~((assure that))~~ ensure written notice of a termination ~~((within fifteen working days of receipt or issuance of a notice of termination))~~ is provided at least thirty days prior to the effective date of the termination or immediately for a termination for cause that results in less than thirty days notice to a provider or carrier to all ~~((covered persons))~~ enrollees who are patients seen;

(a) On a regular basis ~~((by the provider whose contract is terminating, irrespective of whether the termination was for cause or without cause. Where a contract termination involves a))~~ by a specialist;

(b) By a provider for whom they have a standing referral; or

(c) By a primary care provider ~~((, that carrier shall make a good faith effort to assure that notice is provided to all covered persons who are patients of that primary care provider.~~

~~(8) A health carrier).~~

(11) An issuer is responsible for ensuring that participating providers and facilities furnish covered services to ~~((covered persons))~~ each enrollee without regard to the ~~((covered person's))~~ enrollee's enrollment in the plan as a private purchaser of the plan or as a participant in publicly financed programs of health care services. This requirement does not apply to circumstances when the provider should not render services due to limitations arising from lack of training, experience, skill, or licensing restrictions.

~~((9) A health carrier shall))~~ (12) An issuer must not penalize a provider because the provider, in good faith, reports to state or federal authorities any act or practice by the ~~((health carrier))~~ issuer that jeopardizes patient health or welfare or that may violate state or federal law.

~~((10) The following provision is a restatement of a statutory requirement found in RCW 48.43.085: "Notwithstanding any other provision of law, no health carrier subject to the jurisdiction of the state of Washington may prohibit directly or indirectly its enrollees from freely contracting at any time to obtain any health care services outside the health care plan on any terms or conditions the enrollees choose. Nothing in this section shall be construed to bind a carrier for any services delivered outside the health plan."))~~

~~((11))~~ (13) Every participating provider contract ~~((shall))~~ must contain procedures for the fair resolution of disputes arising out of the contract.

(14) Participating provider and facility contracts entered into prior to the effective date of these rules must be amended upon renewal to comply with these rules, and all such contracts must conform to these provisions no later than July 1, 2016. The commissioner may extend the July 1, 2016, deadline for an issuer for an additional one year, if the issuer makes a written request. That request must explain how a good faith effort at compliance has been made, provide the specific reasons the deadline cannot be met, and state the date the issuer expects to be in compliance (no more than one year beyond July 1, 2016).

**AMENDATORY SECTION** (Amending WSR 13-16-045, filed 7/31/13, effective 8/31/13)

**WAC 284-43-330 Participating provider—Filing and approval.** (1) ~~((A health carrier must file with the commissioner thirty calendar days prior to use sample contract forms proposed for use with its participating providers and facilities.~~

~~(2) A health carrier shall submit material changes to a sample contract form to the commissioner thirty calendar days prior to use. Carriers shall indicate in the filing whether any change affects a provision required by this chapter.)~~ An issuer must file for prior approval all participating provider agreements and facility agreements thirty calendar days prior to use. If a carrier negotiates a provider or facility contract or a compensation agreement that deviates from an approved agreement, then the issuer must file that negotiated contract or agreement with the commissioner for approval thirty days before use. The commissioner must receive the filings electronically in accordance with chapters 284-44A, 284-46A, and 284-58 WAC.

(2)(a) An issuer may file a provider or facility contract template with the commissioner. A "contract template" is a sample contract and compensation agreement form that the issuer will use to contract with multiple providers or facilities. A contract template must be issued exactly as approved.

(i) When an issuer modifies the contract template, an issuer must refile the modified contract template for approval. All changes to ~~((contracts))~~ the contract template must be indicated through strike outs for deletions and underlines for new material. ~~((Alternatively, carriers may refile a sample contract that incorporates changes along with a copy of the contract addendum or amendment and any correspondence that will be sent to providers and facilities sufficient for a clear determination of contract changes. Changes not affecting a provision required by this chapter are deemed approved upon filing.))~~ The modified template must be issued to providers and facilities upon approval.

(ii) Alternatively, issuers may file the modified contract template for prospective contracting and a contract addendum or amendment that would be issued to currently contracted providers or facilities for prior approval. The filing must include any correspondence that will be sent to a provider or facility that explains the amendment or addendum. The correspondence must provide sufficient information to clearly inform the provider or facility what the changes to the contract will be. All changes to the contract template must be indicated through strike outs for deletions and underlines for new material.

(iii) Changes to a previously filed and approved provider compensation agreement modifying the compensation amount or terms related to compensation must be filed and are deemed approved upon filing if there are no other changes to the previously approved provider contract or compensation agreement.

(b)(i) All negotiated contracts and compensation agreements must be filed with the commissioner for approval thirty calendar days prior to use and include all contract documents between the parties.

(ii) If the only negotiated change is to the compensation amount or terms related to compensation, it must be filed and is deemed approved upon filing.

(3) If the commissioner takes no action within thirty calendar days after submission ~~((of a sample contract or a material change to a sample contract form by a health carrier)),~~ the ~~((change or))~~ form is deemed approved except that the commissioner may extend the approval period an additional fifteen calendar days upon giving notice before the expiration of the initial thirty-day period. Approval may be subsequently withdrawn for cause.

(4) The ~~((health carrier shall))~~ issuer must maintain provider and facility contracts at its principal place of business in the state, or the ~~((health carrier shall))~~ issuer must have access to all contracts and provide copies to facilitate regulatory review upon twenty days prior written notice from the commissioner.

(5) Nothing in this section relieves the issuer of the responsibility detailed in WAC 284-43-220 (3)(b) to ensure that all provider and facility contracts are current and signed if the provider or facility is listed in the network filed for approval with the commissioner.

(6) If an issuer enters into a reimbursement agreement that is tied to health outcomes, utilization of specific services, patient volume within a specific period of time, or other performance standards, the issuer must file the reimbursement agreement with the commissioner thirty days prior to the effective date of the agreement, and identify the number of enrollees in the service area in which the reimbursement agreement applies. Such reimbursement agreements must not cause or be determined by the commissioner to result in discrimination against or rationing of medically necessary services for enrollees with a specific covered condition or disease. If the commissioner fails to notify the issuer that the agreement is disapproved within thirty days of receipt, the agreement is deemed approved. The commissioner may subsequently withdraw such approval for cause.

WSR 16-01-093
PERMANENT RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed December 15, 2015, 2:50 p.m., effective January 15, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The community services division, economic services administration is amending WAC 388-478-0020 Payment standards for TANF, SFA, and RCA, 388-478-0035 What are the maximum earned income limits for TANF, SFA, PWA and RCA?, and 388-436-0050 Determining financial need and benefit amount for CEAP.

The department is amending the above WAC to implement a nine percent increase in the payment standards for temporary assistance for needy families (TANF), state family assistance (SFA), and refugee cash assistance (RCA), the financial need and benefit amount limits for the consolidated emergency assistance program (CEAP), and the maximum earned income limits for the TANF, SFA, RCA, and the pregnant women assistance (PWA) programs.

These rules were amended via emergency adoption on October 28, 2015, as WSR 15-22-037.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0020, 388-478-0035, and 388-436-0050.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090, and 74.08A.230.

Other Authority: ESSB 6052 207, Washington state 2015-17 biennial operating budget.

Adopted under notice filed as WSR 15-19-030 on September 9, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: December 14, 2015.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-16-029, filed 7/27/11, effective 8/27/11)

WAC 388-478-0020 Payment standards for TANF, SFA, and RCA. (1) The maximum monthly payment standards for temporary assistance for needy families (TANF), state family assistance (SFA), and refugee cash assistance (RCA) assistance units with obligations to pay shelter costs are:

Table with 4 columns: Assistance Unit Size, Payment Standard, Assistance Unit Size, Payment Standard. Rows 1-5 with values like \$((305)), 332, 802, etc.

(2) The maximum monthly payment standards for TANF, SFA, and RCA assistance units with shelter provided at no cost are:

Table with 4 columns: Assistance Unit Size, Payment Standard, Assistance Unit Size, Payment Standard. Rows 1-5 with values like \$((185)), 202, 487, etc.

AMENDATORY SECTION (Amending WSR 12-10-042, filed 4/27/12, effective 6/1/12)

WAC 388-478-0035 What are the maximum earned income limits for TANF, SFA, PWA and RCA? To be eli-



gible for temporary assistance for needy families (TANF), state family assistance (SFA), refugee cash assistance (RCA), or a pregnant women assistance (PWA), a family's gross earned income must be below the following levels:

Number of Family Members	Maximum Earned Income Level	Number of Family Members	Maximum Monthly Earned Income Level
1	\$((610)) <u>665</u>	6	\$((1,472)) <u>1,604</u>
2	((770)) <u>839</u>	7	((1,700)) <u>1,853</u>
3	((955)) <u>1,042</u>	8	((1,882)) <u>2,051</u>
4	((1,124)) <u>1,225</u>	9	((2,066)) <u>2,252</u>
5	((1,295)) <u>1,413</u>	10 or more	((2,246)) <u>2,448</u>

allowable deductions, must be less than ninety percent of the TANF payment standard for households with shelter costs. The net income limit for CEAP assistance units is:

Assistance Unit Members	Net Income Limit
1	\$((275)) <u>300</u>
2	((346)) <u>377</u>
3	((429)) <u>468</u>
4	((505)) <u>550</u>
5	((582)) <u>634</u>
6	((662)) <u>722</u>
7	((762)) <u>834</u>
8 or more	((847)) <u>923</u>

(2) The assistance unit's allowable amount of need is the lesser of:

(a) The TANF payment standard, based on assistance unit size, for households with shelter costs as specified under WAC 388-478-0020; or

(b) The assistance unit's actual emergent need, not to exceed maximum allowable amounts, for the following items:

Need Item: Maximum allowable amount by assistance unit size:

**AMENDATORY SECTION** (Amending WSR 11-16-029, filed 7/27/11, effective 8/27/11)

**WAC 388-436-0050 Determining financial need and benefit amount for CEAP.** (1) To be eligible for CEAP assistance, the assistance unit's nonexcluded income, minus

	1	2	3	4	5	6	7	8 or more
Food	\$((184)) <u>201</u>	\$((235)) <u>256</u>	\$((290)) <u>316</u>	\$((342)) <u>373</u>	\$((394)) <u>429</u>	\$((447)) <u>487</u>	\$((510)) <u>556</u>	\$((564)) <u>615</u>
Shelter	((225)) <u>245</u>	((284)) <u>310</u>	((354)) <u>386</u>	((417)) <u>455</u>	((479)) <u>522</u>	((543)) <u>592</u>	((629)) <u>686</u>	((695)) <u>758</u>
Clothing	((26)) <u>28</u>	((33)) <u>36</u>	((41)) <u>45</u>	((48)) <u>52</u>	((55)) <u>60</u>	((64)) <u>70</u>	((72)) <u>78</u>	((82)) <u>89</u>
Minor Medical Care	((156)) <u>170</u>	((199)) <u>217</u>	((247)) <u>269</u>	((290)) <u>316</u>	((334)) <u>364</u>	((377)) <u>411</u>	((439)) <u>479</u>	((485)) <u>529</u>
Utilities	((76)) <u>83</u>	((96)) <u>105</u>	((119)) <u>130</u>	((139)) <u>152</u>	((161)) <u>175</u>	((184)) <u>201</u>	((213)) <u>232</u>	((235)) <u>256</u>
Household maintenance	((55)) <u>60</u>	((71)) <u>77</u>	((88)) <u>96</u>	((103)) <u>112</u>	((119)) <u>130</u>	((135)) <u>147</u>	((156)) <u>170</u>	((172)) <u>187</u>
Job related transportation	((305)) <u>332</u>	((385)) <u>420</u>	((478)) <u>521</u>	((562)) <u>613</u>	((648)) <u>706</u>	((736)) <u>802</u>	((850)) <u>927</u>	((941)) <u>1,026</u>
Child related transportation	((305)) <u>332</u>	((385)) <u>420</u>	((478)) <u>521</u>	((562)) <u>613</u>	((648)) <u>706</u>	((736)) <u>802</u>	((850)) <u>927</u>	((941)) <u>1,026</u>

(3) The assistance unit's CEAP payment is determined by computing the difference between the allowable amount of need, as determined under subsection (2) of this section, and the total of:

(a) The assistance unit's net income, as determined under subsection (1) of this section;

(b) Cash on hand, if not already counted as income; and

(c) The value of other nonexcluded resources available to the assistance unit.

(4) The assistance unit is not eligible for CEAP if the amount of income and resources, as determined in subsection (3) of this section, is equal to or exceeds its allowable amount of need.

**WSR 16-01-094**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 15-446—Filed December 15, 2015, 5:15 p.m., effective January 15, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amends WAC 220-55-180 to remove language that narrowed the use of transaction fee funds to allow for the use of transaction fee funds as provided by RCW 77.32.050.

Reasons supporting proposal: RCW 77.32.050 states that a transaction fee on commercial and recreational license documents issued through an automated licensing system may be set by the fish and wildlife commission and collected from licensees. RCW 77.32.050 also provides that the department may authorize all or part of such fee to be paid directly to a contractor providing automated licensing services. The department sets this transaction fee in WAC 220-55-180. The department is considering changes to WAC 220-55-180 to align the WAC language to allow for the use of transaction fee funds as provided in RCW 77.32.050. The fish and wildlife commission adopted the amendments to the rule at the December 11, 2015, fish and wildlife commission meeting after a briefing on and holding of a public hearing on the proposed changes.

Citation of Existing Rules Affected by this Order: Amending WAC 220-55-180.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, and 77.32.050.

Adopted under notice filed as WSR 15-22-098 on November 3, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 11, 2015.

Brad Smith, Ph.D., Chair  
 Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 11-22-002, filed 10/19/11, effective 11/19/11)

**WAC 220-55-180 Point-of-sale transaction fee.** The point-of-sale transaction fee shall be used to operate an automated licensing system or for other uses that support providing fish and wildlife related opportunities, customer service, and enhanced experiences for department license holders.

This fee shall be applied to all automated licensing system purchases of recreational and commercial documents. The transaction fee shall be ten percent of the value of the document transaction, excluding any applicable dealer fees.

**WSR 16-01-095**  
**PERMANENT RULES**  
**SEATTLE COLLEGES**

[Filed December 16, 2015, 9:12 a.m., effective January 16, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Update existing language so that it is in compliance with all relevant municipal, state and federal law.

Citation of Existing Rules Affected by this Order: Amending WAC 132F-136-070.

Statutory Authority for Adoption: RCW 28B.50.140 (13).

Adopted under notice filed as WSR 15-18-085 on August 31, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 12, 2015.

Jill Wakefield  
 Chancellor

AMENDATORY SECTION (Amending Order 35, filed 11/21/77)

**WAC 132F-136-070 Control of pets in college facilities.** ~~((Pets are not permitted in campus buildings or on the grounds except guide dogs for the totally or legally blind persons as provided in chapter 70.84 RCW (the white cane law).))~~ Pets on the grounds of the Seattle Colleges shall be in the physical control of their owner in accordance with Seattle Municipal Code 18.12.080 (Animals running at large prohibited) at all times.

Animals, except for service animals, are prohibited from entering buildings operated by the Seattle Colleges.

These provisions do not apply to guide dogs and service animals as provided in chapter 70.84 RCW or medically prescribed as an accommodation for a disability.

**WSR 16-01-096****PERMANENT RULES  
DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed December 16, 2015, 9:19 a.m., effective January 16, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is amending WAC 388-111-0001 to ensure compliance with newly passed legislation, chapter 268, Laws of 2015, modifying definitions concerning vulnerable adults.

Citation of Existing Rules Affected by this Order: Amending WAC 388-111-0001.

Statutory Authority for Adoption: Chapter 71A.20 RCW.

Other Authority: Chapter 71A.20 RCW.

Adopted under notice filed as WSR 15-21-098 on October 21, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 14, 2015.

Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-10-034, filed 4/29/14, effective 5/30/14)

**WAC 388-111-0001 Definitions. "Abandonment"** means action or inaction by an individual or entity with a duty of care for a vulnerable adult that leaves the vulnerable individual without the means or ability to obtain necessary food, clothing, shelter, or health care.

**"Abuse"** means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment of a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and personal exploitation of a vulnerable adult, and improper use of restraint against a vulnerable adult, which have the following meanings:

(1) **"Mental abuse"** means ~~((any)) a willful ((action or inaction of mental or))~~ verbal ~~((abuse))~~ or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, iso-

lates, unreasonably confines or punishes a vulnerable adult. Mental abuse ~~((includes, but is not limited to, coercion, harassment, inappropriately isolating a resident from family, friends, or regular activity, and verbal assault that includes))~~ may also include ridiculing, ~~((intimidating,))~~ yelling, or swearing.

(2) **"Physical abuse"** means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical or physical restraints unless the restraint is consistent with certification requirements.

(3) **"Sexual abuse"** means any form of nonconsensual sexual ~~((contact))~~ conduct, including, but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual contact may include interactions that do not involve touching, including but not limited to sending a resident sexually explicit messages, or cuing or encouraging a resident to perform sexual acts. Sexual abuse also includes any sexual ~~((contact))~~ conduct between a staff person and a resident, whether or not it is consensual.

(4) **"Personal exploitation"** means an act of forcing, compelling, or exerting undue influence over a resident causing the resident to act in a way that is inconsistent with relevant past behavior, or causing the resident to perform services for the benefit of another.

(5) **"Improper use of restraint"** means inappropriate use of chemical, physical or mechanical restraints for the convenience or discipline or in a manner that:

(a) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under Chapter 71A.12 RCW;

(b) Is not medically authorized; or

(c) Otherwise constitutes abuse under this section.

(6) **"Chemical restraint"** means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

**"Administrative hearing"** is a formal hearing proceeding before a state administrative law judge that gives an individual an opportunity to appeal a finding of abandonment, abuse, neglect or financial exploitation of a resident.

**"Administrative law judge (ALJ)"** means an impartial decision maker who presides over an administrative hearing. ~~((ALJs are employed by the office of administrative hearings (OAH), which is a separate state agency.))~~ ALJs are not ~~((DSHS))~~ department employees or ~~((DSHS))~~ department representatives.

**"Department"** means the department of social and health services ~~((DSHS))~~.

**"Facility"**:

(1) Except as defined in subsection (2) of this definition, the term "facility" means an intermediate care facility for individuals with intellectual disabilities (ICF/IID).

(2) When used in the definition of "mandated reporter," the term "facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living facili-

ties; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' and veterans' homes; or chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed by the department.

**"Financial exploitation"** means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any individual or entity for any individual's or entity's profit or advantage other than the vulnerable adult's profit or advantage. Some examples of financial exploitation are given in RCW 74.34.020(6).

**"Individual"** means anyone used by the facility to provide services to residents, who is alleged to have abandoned, abused, neglected, misappropriated property of, or financially exploited a resident. "Individual" includes, but is not limited to, employees, contractors and volunteers. "Individual" also includes a person used by the certified nursing facility portion of a residential habilitation center operated under chapter 71A.20 RCW.

**"Intermediate care facility for individuals with intellectual disabilities (ICF/IID)"** means an institution certified under chapter 42 C.F.R., Part 483, Subpart I, unless the facility is licensed as a nursing home under chapter 18.51 RCW or as an assisted living facility under chapter 18.20 RCW.

**"Mandated reporter"** ~~((is))~~ means an employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

**"Mechanical Restraints"** means any device attached or adjacent to the vulnerable adult's body that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. "Mechanical restraint" does not include the use of devices, materials or equipment that are:

(1) Medically authorized, as required; and

(2) Used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

**"Neglect"** means that an individual or entity with a duty to care for residents has:

(1) By an act or omission, demonstrated a serious disregard of consequences of such magnitude as to constitute a clear and present danger to ~~((the))~~ a resident's health, welfare or safety; or

(2) Through conduct or inaction, or a pattern of conduct or inaction, failed to provide a resident with the goods and services that maintain physical or mental health of a vulnerable adult, or that failed to avoid or prevent physical harm, pain, mental anguish, or mental illness.

**"Physical Restraints"** means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include:

(1) Briefly holding without undue force a vulnerable adult in order to calm or comfort him or her; or

(2) Holding a vulnerable adult's hand to safely escort him or her from one area to another.

**"Resident"** means an individual residing in a facility or in the certified nursing facility portion of a residential habilitation center operated under chapter 71A.20 RCW.

**"Willful"** means the deliberate, or nonaccidental, action or inaction by an individual that he or she knew or reasonably should have known could cause a negative outcome, including harm, injury, pain or anguish.

**WSR 16-01-098**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**EARLY LEARNING**

[Filed December 16, 2015, 10:20 a.m., effective January 16, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To remove the term "nonsectarian" from the listed sections, further elaborate on the types of organizations that can participate in the early childhood education and assistance program (ECEAP) and to comply with the requirements of the Early Start Act.

Citation of Existing Rules Affected by this Order: Amending WAC 170-100-030 and 170-100-040.

Statutory Authority for Adoption: RCW 43.215.070, chapter 43.215 RCW.

Adopted under notice filed as WSR 15-20-070 on October 2, 2015.

Changes Other than Editing from Proposed to Adopted Version: The "organizations" definition listed in WAC 170-100-040 was moved to WAC 170-100-030 Definitions, for editing purposes. This does not change the general subject matter of the rules and is for editing purposes only.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 16, 2015.

Ross Hunter  
Director

**AMENDATORY SECTION** (Amending WSR 07-20-034, filed 9/25/07, effective 10/26/07)

**WAC 170-100-030 Definitions.** (1) "Contractor" means a ~~((nonsectarian))~~ public or private organization that con-

tracts with the department of early learning to provide local early childhood education and assistance services.

(2) "Department" means the department of early learning.

(3) "Director" means the director of the department of early learning.

(4) "Eligible organization" means public or private organizations including, but not limited to, school districts, educational service districts, community and technical colleges, local governments, nonprofit organizations, and for-profit organizations provided that their proposed early childhood education and assistance program is free from religious instruction, activities, or symbolism.

**AMENDATORY SECTION** (Amending WSR 06-18-085, filed 9/5/06, effective 9/5/06)

**WAC 170-100-040 Process for allocating or awarding funds.** (1) (~~Public or private nonsectarian organizations are eligible to apply for funding as~~) Eligible organizations may apply to become contractors for the early childhood education and assistance program(s).

(2) Funds shall be awarded on a competitive basis or allocated by the department, consistent with the amount allocated by the legislature.

(3) An applicant must use the application procedures established by the department.

(4) Successful applicants will be awarded a contract with the department. This contract must be signed by an official with authority to bind the recipient.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 16, 2015.

Jane Rushford  
Chairman

**AMENDATORY SECTION** (Amending WSR 10-01-091, filed 12/16/09, effective 1/16/10)

**WAC 314-02-090 What is a nonprofit arts organization license?** (1) Per RCW 66.24.495, this license allows a bona fide nonprofit organization to sell beer, wine, and spirits by the individual serving in conjunction with artistic or cultural exhibitions or performances.

(2) The nonprofit organization must be organized and operated for the purpose of providing artistic or cultural exhibitions, presentations, or performances or cultural or art education programs for viewing by the general public. See RCW 66.24.495(2) for specific organizational requirements.

(3) Alcohol sales and consumption may (~~only~~) occur in the seating areas during performances and in the lobby area and/or restricted bar area of the premises prior to the commencement of an exhibition or performance and during intermission.

(~~Alcohol is not allowed in the performance seating areas of the facility.~~)

(4) The annual fee for this license is two hundred fifty dollars.

**WSR 16-01-101**  
**PERMANENT RULES**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed December 16, 2015, 10:52 a.m., effective January 16, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule making is the result of a stakeholder petition for rule making. The stakeholder requested nonprofit arts organization be allowed to have alcohol consumption in the seating areas during performances.

Citation of Existing Rules Affected by this Order: Amending WAC 314-02-090.

Statutory Authority for Adoption: RCW 66.08.030.

Adopted under notice filed as WSR 15-19-164 on September 23, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

**WSR 16-01-102**  
**PERMANENT RULES**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed December 16, 2015, 11:17 a.m., effective January 16, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The proposed rules are to implement 2015 legislation regarding liquor licenses.

Citation of Existing Rules Affected by this Order: Amending 314-02-100, 314-02-104, 314-02-109, 314-05-025, 314-20-015, 314-28-010, and 314-38-060.

Statutory Authority for Adoption: RCW 66.08.030.

Adopted under notice filed as WSR 15-19-031 on September 9, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 5, Amended 8, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 16, 2015.

Jane Rushford  
Chairman

AMENDATORY SECTION (Amending WSR 11-23-045, filed 11/9/11, effective 12/10/11)

**WAC 314-02-100 What is a grocery store license?** (1) Per RCW 66.24.360, a grocery store license allows a licensee to sell beer and/or wine for off-premises consumption.

(2) The annual fee for this license is one hundred fifty dollars.

(3) In order to obtain and maintain a grocery store license, the premises must be stocked with an inventory of at least three thousand dollars wholesale value of food for human consumption, not including soft drinks, beer, or wine. This minimum inventory must be:

(a) Stocked within the confines of the licensed premises; and

(b) Maintained at the premises at all times the business is licensed, with the exception of:

(i) The beginning and closing inventory for seasonal operations; or

(ii) When the inventory is being sold out immediately prior to discontinuing or selling the business.

(4) A grocery store licensee may sell beer in kegs or other containers holding at least four gallons and less than five and one-half gallons of beer. See WAC 314-02-115 regarding keg registration requirements.

(5) A grocery store licensee may sell beer and wine over the internet. See WAC 314-03-020 regarding internet sales and delivery.

(6) A grocery store applicant or licensee may apply for an international exporter endorsement for five hundred dollars a year, which allows the sale of beer and wine for export to locations outside the United States.

(7) A grocery store applicant or licensee may apply for a beer and wine tasting endorsement which allows beer and wine tastings on the grocery store premises. The annual fee for this endorsement is two hundred dollars.

(8) A grocery store licensee may apply for an endorsement to sell beer and cider growlers.

(a) The licensee must have sales from beer and wine exceeding fifty percent of their total revenues or maintain an alcohol inventory of not less than fifteen thousand dollars.

(b) Beer and cider must be sold in sanitary containers provided by the purchaser, licensee or the manufacturer and filled by the employee at the time of purchase.

(c) The taps must be located behind a counter where only employees have access or the taps must have locks preventing use unless unlocked and operated by an employee.

(d) Only employees of the licensee are permitted to operate the taps.

(e) All employees operating a tap must hold a class 12 alcohol server permit.

(f) The cost for the endorsement is one hundred twenty dollars.

AMENDATORY SECTION (Amending WSR 12-12-065, filed 6/5/12, effective 7/6/12)

**WAC 314-02-104 Central warehousing.** (1) Each retail liquor licensee having a warehouse facility where they intend to receive wine and/or spirits must register their warehouse facility with the board and include the following information:

(a) Documentation that shows the licensee has a right to the warehouse property;

(b) If a warehouse facility is to be shared by more than one licensee, each licensee must demonstrate to the board that a recordkeeping system is utilized that will account for all wine and/or spirits entering and leaving the warehouse for each license holder. The system must also account for product loss;

(c) Licensees in a shared warehouse may consolidate their commitment for the amount of product they plan to order, but their orders must be placed separately and paid for by each licensee; and

(d) Alternatively, if the warehouse does not have a recordkeeping system that provides the required information, wine and/or spirits for each licensee in a shared warehouse must be separated by a physical barrier. Where physical separation is utilized, a sketch of the interior of the warehouse facility must be submitted indicating the designated area the licensee will be storing product. (Example: If ABC Grocery and My Grocery, each licensed to a different ownership entity, both lease space in a warehouse facility, the wine and/or spirits must be in separate areas separated by a physical barrier.)

(2) Spirits retail licensees may have spirits product delivered to their individual licensed premises, at any other spirits retail licensed premises, or at a warehouse facility registered with the board.

(a) Spirits retail licensees may negotiate a volume discount price with a spirits distributor to order spirits product as a group and have all product delivered to one spirits retail licensed premises.

(b) Spirits distributors may accept a group order for spirits and deliver to one spirits retail licensed premises and collect individual checks for payment from each spirits retail licensee that participated in the group order.

(c) Each spirits retail licensee will pick up their spirits product from the spirits retail licensed premises where the spirits product was delivered.

(3) Upon the request of the board, the licensee must provide any of the required records for review. Retail liquor licensees must keep the following records for three years:

(a) Purchase invoices and supporting documents for wine and/or spirits purchased;

(b) Invoices showing incoming and outgoing wine and/or spirits (product transfers);

(c) Documentation of the recordkeeping system in a shared warehouse as referenced in subsection (1)(b) of this section; and

(d) A copy of records for liquor stored in the shared warehouse.

~~((3))~~ (4) Each licensee must allow the board access to the warehouse for audit and review of records.

~~((4))~~ (5) If the wine and/or spirits for each licensee in a shared warehouse is not kept separate, and a violation is found, each licensee that has registered the warehouse with the board may be held accountable for the violation.

AMENDATORY SECTION (Amending WSR 14-12-101, filed 6/4/14, effective 7/5/14)

**WAC 314-02-109 What are the quarterly reporting and payment requirements for a spirits retailer license?**

(1) A **spirits retailer** must submit quarterly reports and payments to the board.

The required reports must be:

- (a) On a form furnished by the board;
- (b) Filed every quarter, including quarters with no activity or payment due;
- (c) Submitted, with payment due, to the board on or before the twenty-fifth day following the tax quarter (e.g., Quarter 1 (Jan., Feb., Mar.) report is due April 25th). When the twenty-fifth day of the month falls on a Saturday, Sunday, or a legal holiday, the filing must be postmarked by the U.S. Postal Service no later than the next postal business day; and
- (d) Filed separately for each liquor license held.

(2) **What if a spirits retailer licensee fails to report or pay, or reports or pays late?** Failure of a spirits retailer licensee to submit its quarterly reports and payment to the board as required in subsection (1) of this section will be sufficient grounds for the board to suspend or revoke the liquor license.

A penalty of ~~((two))~~ one percent per month will be assessed on any payments postmarked after the twenty-fifth day quarterly report is due. When the twenty-fifth day of the month falls on a Saturday, Sunday, or a legal holiday, the filing must be postmarked by the U.S. Postal Service no later than the next postal business day.

Absent a postmark, the date received at the Washington state liquor control board, or designee, will be used to determine if penalties are to be assessed.

AMENDATORY SECTION (Amending WSR 11-23-046, filed 11/9/11, effective 12/10/11)

**WAC 314-05-025 Application process for a special occasion license.** (1) Special occasion applications normally take forty-five days to process. The liquor ~~((control))~~ and cannabis board may not be able to process your application in time for your event if you do not apply at least forty-five days before the event.

(2) Per RCW 66.24.010(8), when the liquor and cannabis board receives a special occasion application, it must send a notice to the local authority. The local authority has twenty days to respond with any input, and they may request an extension for good cause.

(3) The liquor ~~((control))~~ and cannabis board may run a criminal history check on the organization's officers and/or managers.

(4) The liquor ~~((control))~~ and cannabis board requires documentation to verify the organization is a ~~((bona fide))~~ bona fide nonprofit, who the true party(ies) of interest are in the organization, and that the organization meets the guidelines outlined in WAC 314-05-020 and 314-05-025.

(5) See chapter 314-07 WAC regarding possible reasons for denial of a special occasion license. Denials are subject to the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION

**WAC 314-05-035 Branded promotional items.** (1) Nothing in RCW 66.28.305 prohibits a licensed domestic brewery or microbrewery from providing branded promotional items which are of nominal value, singly or in the aggregate, to a nonprofit charitable corporation or association, exempt from taxation under 26 U.S.C. Sec. 501 (c)(3) of the Internal Revenue Code as it existed on the effective date of this section for use consistent with the purpose entitling it to such exemptions. Branded promotional items may not be targeted to or be especially appealing to youth.

(2) If the nonprofit charitable corporation or association applies for and receives a special occasion license, they are considered a liquor retailer and are required to comply with RCW 66.28.305. Branded promotional items:

- (a) Must be used exclusively by the retailer in a manner consistent with its license;
- (b) Must bear imprinted advertising matter of the industry member only, except imprinted advertising matter of the industry member can include the logo of a professional sports team which the industry member is licensed to use;
- (c) May be provided by industry members only to retailers and their employees and may not be provided by or through retailers or their employees to retail customers; and
- (d) May not be targeted to or be especially appealing to youth.

(3) An industry member is not obligated to provide such branded promotional items as a condition for selling alcohol to the retailer.

(4) Any industry member or retailer or any other person asserting the provision of branded promotional items as allowed in this section has resulted or is more likely than not to result in undue influence or an adverse impact on public health and safety, or is otherwise inconsistent with the criteria of this section, may file a complaint with the liquor and cannabis board. Upon receipt of a complaint, the liquor and cannabis board may conduct such investigation as it deems appropriate.

(a) The liquor and cannabis board may issue an administrative violation notice to the industry member, the retailer, or both.

(b) The recipient of the administrative violation notice may request a hearing under chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 10-01-090, filed 12/16/09, effective 1/16/10)

**WAC 314-12-140 Prohibited practices—Contracts—Gifts—Rebates, etc.** (1) No industry member or retailer shall enter into any agreement which causes undue influence over

another retailer or industry member. This regulation shall not be construed as prohibiting the placing and accepting of orders for the purchase and delivery of liquor which are made in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(2) No industry member shall advance and no retailer, any employee thereof, or applicant for a retail liquor license shall receive money or money's worth under any written or unwritten agreement or any other business practice or arrangement such as:

- (a) Gifts;
- (b) Discounts;
- (c) Loans of money;
- (d) Premiums;
- (e) Rebates;
- (f) Free liquor of any kind; or

(g) Treats or services of any nature whatsoever except such services as are authorized in this regulation.

(3) Pursuant to RCW (~~(66.28.010)~~) 66.28.310 and 66.44.318 an industry member or licensed agent may perform the following services for a retailer:

(a) Build, rotate, and restock displays, utilizing filled cases, filled bottles or filled cans of its own brands only, from stock or inventory owned by the retailer.

(b) Rotate, rearrange or replenish bottles or cans of its own brands on shelves or in the refrigerators but is prohibited from rearranging or moving displays of its products in such a manner as to cover up, hide or reduce the space of display of the products of any other industry member.

(c) Industry members or any employees thereof may move or handle in any manner any products of any other manufacturer, importer or distributor on the premises of any retail licensee when a two-day notice is given to other interested industry members or their agents and such activity occurs during normal business hours or upon hours that are mutually agreed.

(d) Provide price cards and may also price goods of its own brands in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(e) Provide point of sale advertising material and brand signs.

(f) Provide sales analysis of beer and wine products based on statistical sales data voluntarily provided by the retailer involved for the purpose of proposing a schematic display for beer and wine products. Any statistical sales data provided by retailers for this purpose shall be at no charge.

(g) Such services may be rendered only upon the specific approval of the retail licensee. Displays and advertising material installed or supplied for use on a retailer's premises must be in conformity with the board's advertising rules as set forth in chapter 314-52 WAC.

(h) Licensees holding nonretail class liquor licenses are permitted to allow their employees between the ages of eighteen and twenty-one to stock, merchandise, and handle liquor on or about the:

(i) Nonretail premises if there is an adult twenty-one years of age or older on duty supervising such activities on the premises; and

(ii) Retail licensee's premises, except between the hours of 11:00 p.m. and 4:00 a.m., as long as there is an adult twenty-one years of age or older, employed by the retail licensee, and present at the retail licensee's premises during the activities.

Any act or omission of the nonretail class liquor licensee's employee occurring at or about the retail licensee's premises, which violates any provision of this title, is the sole responsibility of the nonretail class liquor licensee.

(4) No industry member or employee thereof shall, directly or indirectly, give, furnish, rent or lend to, or receive from, any retailer, any equipment, fixtures, supplies or property of any kind, nor shall any retail licensee, directly or indirectly, receive, lease or borrow from, or give or offer to, any industry member any equipment, fixtures, supplies or property of any kind. Sales authorized in this regulation shall be made on a cash on delivery basis only.

(5) No industry member or employee thereof shall sell to any retail licensee or solicit from any such licensee any order for any liquor tied in with, or contingent upon, the retailer's purchase of some other beverage, alcoholic or otherwise, or any other merchandise, property or service.

(6) In selling equipment, fixtures, supplies or commodities other than liquor, no industry member shall grant to any retailer, nor shall such retailer accept, more favorable prices than those extended to nonlicensed retailers. The price thereof shall be not less than the industry member's cost of acquisition. In no event shall credit be extended to any retailer.

(7) Any industry member who sells what is commonly referred to as heavy equipment and fixtures, such as counters, back bars, stools, chairs, tables, sinks, refrigerators or cooling boxes and similar articles, shall immediately after making any such sales have on file and available for inspection, records including a copy of the invoice covering each such sale, which invoice shall contain the following information:

(a) A complete description of the articles sold;

(b) The purchase price of each unit sold together with the total amount of the sale;

(c) Transportation costs and services rendered in connection with the installation of such articles; and

(d) The date of such sale and affirm that full cash payment for such articles was received from the retailer as provided in subsection (4) of this section.

(8) If the board finds in any instance that any licensee has violated this regulation, then all licenses involved shall be held equally responsible for such violation.

Note: WAC 314-12-140 is not intended to be a relaxation in any respect of section 90 of the Liquor Act (RCW 66.28.010). As a word of caution to persons desiring to avail themselves of the opportunity to sell to retail licensees fixtures, equipment and supplies subject to the conditions and restrictions provided in section 90 of the act and the foregoing regulation, notice is hereby given that, if at any time such privilege is abused or experience proves that as a matter of policy it should be further curtailed or eliminated completely, the board will be free to impose added restrictions or to limit all manufacturers and distributors solely to the sale of liquor when dealing with retail licensees. WAC 314-12-140 shall not be considered as granting



any vested right to any person, and persons who engage in the business of selling to retail licensees property or merchandise of any nature voluntarily assume the risk of being divested of that privilege and they will undertake such business subject to this understanding. The board also cautions that certain trade practices are prohibited by rulings issued under the Federal Alcohol Administration Act by the United States Bureau of Alcohol, Tobacco and Firearms, and WAC 314-12-140 is not intended to conflict with such rulings or other requirements of federal law or regulations.

AMENDATORY SECTION (Amending WSR 00-17-065, filed 8/9/00, effective 9/9/00)

**WAC 314-20-015 Licensed brewers—Retail sales of beer on brewery premises—Beer served without charge on premises—Spirit, beer and wine restaurant operation.**

(1) A licensed brewer (~~(holding a proper retail license, pursuant to chapter 66.24 RCW,)~~) may sell:

(a) Beer of its own production at retail on the brewery premises (~~(f-)~~);

(b) Beer produced by another microbrewery or a domestic brewery for on- and off-premises consumption from its premises as long as the other breweries brands do not exceed twenty-five percent of the microbrewery's on-tap offering of its own brands. Beer not of its own production must be purchased through normal distribution channels; and

(c) Cider produced by a domestic winery. Cider must be purchased through normal distribution channels.

(2) In selling beer and/or cider at retail, as provided in subsection (1) of this ~~((regulation))~~ section, a brewer shall conduct such operation in conformity with the statutes and regulations applicable to holders of such beer and/or wine retailers' licenses. The brewer shall maintain records of such retail operation separate from other brewery records.

(3) Upon written authorization of the board, pursuant to RCW 66.04.011, beer of a licensed brewer's own production may be consumed in designated parks and picnic areas adjacent to and held by the same ownership as the licensed brewer.

(4) A licensed brewer or a lessee of a licensed brewer operating a spirit, beer and wine restaurant, licensed pursuant to RCW 66.28.010, shall conduct such operation in conformity with the statutes and regulations which apply to holders of such spirit, beer and wine restaurant licenses.

(5) A brewer may serve its own beer and beer not of its own production without charge on the brewery premises, as authorized by RCW 66.28.040.

(6) No retail license or fee is required for the holder of a brewer's license to serve beer without charge on the brewery premises as set forth in subsection (5) of this ~~((regulation))~~ section. Before exercising this privilege, however, such brewer shall obtain approval of the proposed service area and facilities from the board. Such brewer shall maintain a separate record of all beer so served.

(7) A brewery is required to obtain the appropriate retail license to sell beer, wine, or spirits on the brewery premises that is not of its own production except as set forth in subsection (1) of this section pursuant to RCW 66.24.244.

AMENDATORY SECTION (Amending WSR 12-12-065, filed 6/5/12, effective 7/6/12)

**WAC 314-28-010 Records.** (1) All distilleries licensed under RCW 66.24.140 and 66.24.145, including craft, fruit, and laboratory distillers must:

(a) Keep records regarding any spirits, whether produced or purchased, for three years after each sale. A distiller is required to report on forms approved by the liquor and cannabis board;

(b) In the case of spirits exported or sold, preserve all bills of lading and other evidence of shipment;

(c) Submit duplicate copies of transcripts, notices, or other data that is required by the federal government to the liquor and cannabis board if requested, within thirty days of the notice of such request. A distiller shall also furnish copies of the bills of lading, covering all shipments of the products of the licensee, to the board within thirty days of notice of such request;

(d) Preserve all sales records to spirits retail licensees, sales to spirits distributors, and exports from the state; and

(e) Submit copies of its monthly records to the liquor and cannabis board upon request.

(2) In addition to the above, a craft distiller must:

(a) Preserve all sales records of retail sales to consumers; and

(b) Submit its monthly records to the liquor and cannabis board upon request.

NEW SECTION

**WAC 314-28-095 Farmer's market spirits sales.** To conduct bottled spirits sales at a farmer's market, the following criteria must be met:

(1) The farmer's market must be authorized to allow distilleries and craft distilleries to sell bottled spirits at retail.

(2) The farmer's market endorsement does not allow sampling of spirits.

(3) A distillery or craft distillery selling bottled spirits at a farmer's market must have an endorsement from the liquor and cannabis board to sell bottled spirits of its own production at a farmer's market (see RCW 66.24.145).

(4) The distillery or craft distillery is required to send a list of the dates, times, and locations where bottled spirits may be offered for sale to the liquor and cannabis board at the beginning of each month.

(5) The farmer's market is required to provide a sketch to the licensing division of the area where spirits bottle sales will be conducted.

NEW SECTION

**WAC 314-28-100 Consumer orders, internet sales, and delivery for distillery and craft distillery licensees.** A distillery or craft distillery licensee may accept orders for spirits from, and deliver spirits to, customers.

(1) **Resale.** Spirits shall not be for resale.

(2) **Stock location.** Spirits must come directly from a licensed distillery or craft distillery possession.

(3) **How to place an order.** Spirits may be ordered in person at a licensed location, by mail, telephone, or internet, or by other similar methods.

(4) **Sales and payment.**

(a) Only a spirits distillery or craft distillery licensee or a licensee's direct employees may accept and process orders and payments. A contractor may not do so on behalf of a spirits distillery or craft distillery licensee, except for transmittal of payment through a third-party service. A third-party service may not solicit customer business on behalf of a spirits distillery or craft distillery licensee.

(b) All orders and payments shall be fully processed before spirits transfers ownership or, in the case of delivery, leaves a licensed distillery's or craft distillery's possession.

(c) Payment method. Payment methods include, but are not limited to: Cash, credit or debit card, check or money order, electronic funds transfer, or an existing prepaid account. An existing prepaid account may not have a negative balance.

(d) Internet. To sell spirits via the internet, a new spirits distillery or craft distillery license applicant must request internet sales privileges in his or her application. An existing spirits distillery or craft distillery licensee must notify the board prior to beginning internet sales. A corporate entity representing multiple stores may notify the board in a single letter on behalf of affiliated spirits distillery or craft distillery licensees, as long as the liquor license numbers of all licensee locations utilizing internet sales privileges are clearly identified.

(5) **Delivery location.** Delivery shall be made only to a residence or business that has an address recognized by the United States postal service; however, the board may grant an exception to this rule at its discretion. A residence includes a hotel room, a motel room, or other similar lodging that temporarily serves as a residence.

(6) **Hours of delivery.** Spirits may be delivered each day of the week between the hours of 6:00 a.m. and 2:00 a.m. Delivery must be fully completed by 2:00 a.m.

(7) **Age requirement.**

(a) Under chapter 66.44 RCW, any person under twenty-one years of age is prohibited from purchasing, delivering, or accepting delivery of liquor.

(b) A delivery person must verify the age of the person accepting delivery before handing over liquor.

(c) If no person twenty-one years of age or older is present to accept a liquor order at the time of delivery, the liquor shall be returned.

(8) **Intoxication.** Delivery of liquor is prohibited to any person who shows signs of intoxication.

(9) **Containers and packaging.**

(a) Individual units of spirits must be factory sealed in bottles. For the purposes of this subsection, "factory sealed" means that a unit is in one hundred percent resalable condition, with all manufacturer's seals intact.

(b) The outermost surface of a liquor package, delivered by a third party, must have language stating that:

(i) The package contains liquor;

(ii) The recipient must be twenty-one years of age or older; and

(iii) Delivery to intoxicated persons is prohibited.

(10) **Required information.**

(a) Records and files shall be retained at the licensed premises. Each delivery sales record shall include the following:

(i) Name of the purchaser;

(ii) Name of the person who accepts delivery;

(iii) Street addresses of the purchaser and the delivery location; and

(iv) Time and date of purchase and delivery.

(b) A private carrier must obtain the signature of the person who receives liquor upon delivery.

(c) A sales record does not have to include the name of the delivery person, but it is encouraged.

(11) **Web site requirements.** When selling over the internet, all web site pages associated with the sale of liquor must display the spirits distillery or craft distillery licensee's registered trade name.

(12) **Accountability.** A spirits distillery or craft distillery licensee shall be accountable for all deliveries of liquor made on its behalf.

(13) **Violations.** The board may impose administrative enforcement action upon a licensee, or suspend or revoke a licensee's delivery privileges, or any combination thereof, should a licensee violate any condition, requirement, or restriction.

AMENDATORY SECTION (Amending WSR 14-03-078, filed 1/15/14, effective 2/15/14)

**WAC 314-38-060 Special permit for technical or community colleges, regional university, or state university as authorized by RCW 66.20.010(12) shall be called a class 15 permit.** (1) The class 15 permit allows tasting of alcohol by persons between eighteen and twenty years old.

The requirements for a class 15 permit are as follows:

(a) The permit applicant is a technical or community college, regional university, or state university;

(b) The permit allows tasting, not consuming of alcohol as part of the class curriculum with approval of the educational provider;

(c) The student must be enrolled in a required or elective class at the college premises as part of a culinary, sommelier, wine business, enology, viticulture, beer technology, wine technology, or spirituous technology-related degree program;

(d) The alcohol served to any person in the program under twenty-one years of age is tasted but not consumed for the purpose of educational training as part of the class curriculum with the approval of the educational provider;

(e) Faculty or staff of the educational provider must be at least twenty-one years of age, supervise the service and tasting, and hold a class 12 or class 13 alcohol server permit; and

(f) Students may not purchase the alcoholic beverages.

(2) There is no annual fee for this permit.

NEW SECTION

**WAC 314-38-080 Class 18 special winery permit.** (1) The special winery permit is for domestic wineries.

(2) A special winery permit allows a manufacturer of wine to have a private event not open to the general public at a specific place and date for the purpose of tasting wine and

selling wine of its own production for off-premises consumption.

(3) The activities at the event are limited to the activities allowed on the winery premises.

(4) The winery must obtain the special permit by submitting an application for a class 18 special winery permit to the board with a ten dollar permit fee.

(a) The application must be submitted to the board at least ten days prior to the event.

(b) The special permit must be posted at the event.

(5) The winery is limited to twelve events per calendar year.

## NEW SECTION

### **WAC 314-38-090 Class 19 special distillery permit.**

(1) A special distillery/craft distillery permit is for Washington distillers only.

(2) A special distillery/craft distillery permit allows a manufacturer of spirits to have a private event not open to the general public at a specific place and date for the purpose of tasting spirits and selling spirits of its own production for off-premises consumption.

(3) The activities at the event are limited to the activities allowed on the distillery/craft distillery premises.

(4) The distillery or craft distillery must obtain the special permit by submitting an application for a class 19 special distillery/craft distillery permit to the board with a ten dollar permit fee.

(a) The application must be submitted to the board at least ten days prior to the event.

(b) The special permit must be posted at the event.

(5) The licensee is limited to twelve events per calendar year.

## **WSR 16-01-106**

### **PERMANENT RULES**

### **DEPARTMENT OF HEALTH**

(Podiatric Medical Board)

[Filed December 16, 2015, 4:30 p.m., effective October 1, 2017]

Effective Date of Rule: October 1, 2017.

Purpose: WAC 246-922-300 Podiatric continuing education required and 246-922-310 Categories of creditable podiatric continuing education activities, the podiatric medical board adopted amendments to change continuing medical education (CME) requirements for podiatric physicians and surgeons from fifty hours every two years to one hundred hours every two years. Current rules require all CME be directly related to the delivery of patient care. The amendments offer several new options to earn CME credits.

Citation of Existing Rules Affected by this Order: Amending WAC 246-922-300 and 246-922-310.

Statutory Authority for Adoption: RCW 18.22.005, 18.22.015, and 18.130.050.

Adopted under notice filed as WSR 15-14-091 on June 29, 2015.

Changes Other than Editing from Proposed to Adopted Version: The following changes were made to WAC 246-922-310:

- In subsection (1)(a), the board added the words "offered or sponsored" to the category 1 CME requirements to clarify that courses approved, offered, or sponsored by the American Podiatric Medical Association (APMA) and its component societies and affiliates satisfy category 1 requirements. The board made this amendment because saying only courses approved by the APMA may inadvertently exclude courses offered or sponsored by the AMPA.
- In subsection (1)(b), the board added the words "such as" to a list of organizations whose courses in podiatric medicine satisfy category 1 CME requirements. This amendment was made because the list in the proposed rules did not include organizations such as the American Diabetes Association whose CME courses in diabetic foot care should satisfy category 1 CME requirements.
- In subsection (2), the board removed the words "nonaccredited sponsorship" from the category 2 requirements. This amendment was made because the proposed language may inadvertently limit credits received from accredited organizations.
- In subsection (2), the board replaced the words "podiatric medicine" with "healthcare delivery" to allow podiatric physicians and surgeons to earn category 2 CME credits while participating in activities not directly related to podiatric medicine. This change was made because category 1 requirements need to be directly related to podiatric medicine, but the intent of the changes is to allow for podiatric physicians and surgeons to participate in category 2 and 3 activities not directly related to podiatric medicine.
- Throughout the section, the board added the words "or sponsored" and "or sponsoring" to clarify that CME offered or sponsored by the organizations in the section satisfy the requirements. These amendments were made because organizations may sponsor CME activities without actually administering or offering those activities.

These revisions are considered minimal with no material or substantive change to the adopted rules.

A final cost-benefit analysis is available by contacting Brett Cain, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4766, fax (360) 236-2901, e-mail [brett.cain@doh.wa.gov](mailto:brett.cain@doh.wa.gov).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: August 6, 2015.

Suzanne M. Wilson, DPM  
Chair

AMENDATORY SECTION (Amending WSR 99-20-096, filed 10/5/99, effective 11/5/99)

**WAC 246-922-300 Podiatric continuing education required.** (1) The ~~((podiatric medical))~~ board encourages ~~((licensees))~~ podiatric physicians and surgeons to deliver high-quality patient care. The board recognizes that continuing education programs designed to inform practitioners of recent developments within podiatric medicine and relative fields and review of various aspects of basic professional education and podiatric practice are beneficial to professional growth. The board ~~((encourages))~~ requires participation in podiatric continuing education as a mechanism to maintain and enhance competence.

~~((1) Fifty contact hours of scientific podiatric continuing education is required every two years when the license is renewed to maintain a current license as provided in chapter 246-12 WAC, Part 7.~~

Five credit hours may be granted for one hour of course instruction. A maximum of ten hours may be claimed per reporting period.

~~(2) Approved courses shall be scientific in nature designed to provide information and enhancement of current knowledge of the mechanisms of disease and treatment, which may include applicable clinical information.~~

~~(a) Serving as a resident in an approved post-graduate residency training program shall satisfy the continuing education credit for the reporting period.~~

~~(b) Continuing education activities which do not affect the delivery of patient care, (e.g., marketing and billing), may not be claimed for continuing education credit.)~~ (2) A podiatric physician and surgeon must complete one hundred hours of continuing education every two years and comply with chapter 246-12 WAC, Part 7 and WAC 246-922-310.

(3) To satisfy the continuing medical education requirements identified in subsection (2) of this section, a podiatric physician and surgeon may:

(a) Serve as a resident in an approved postgraduate residency training program; or

(b) Certify or recertify within the previous four years with a specialty board.

AMENDATORY SECTION (Amending WSR 99-20-096, filed 10/5/99, effective 11/5/99)

**WAC 246-922-310 Categories of creditable podiatric continuing education activities.** ~~((The following categories of creditable podiatric continuing education activities sponsored by the following organizations are approved by the board. The credits must be earned in the twenty-four month period preceding the licensee's reporting period. One contact~~

~~hour is defined as a typical fifty minute classroom instructional session or its equivalent.~~

~~(1) Scientific courses or seminars approved by the American Podiatric Medical Association and its component societies and affiliated and related organizations.~~

~~(2) Scientific courses or seminars offered by accredited, licensed, or otherwise approved hospitals, colleges, and universities and their associated foundations and institutes offering continuing education programs in podiatric medicine.~~

~~(3) Scientific courses or seminars offered by recognized nonpodiatric medical and health care related societies (e.g., the American Medical Association, the American Physical Therapy Association) offering continuing education programs related to podiatric medicine.~~

~~(4) Scientific courses or seminars offered by other non-profit organizations, other proprietary organizations, and individuals offering continuing education in podiatric medicine.~~

~~(5) A post-graduate residency training program accredited by the council on podiatric medical education.)~~ To meet the requirements of WAC 246-922-300, a podiatric physician and surgeon shall earn continuing medical education in the following board-approved categories:

(1) Category 1 - A minimum of fifty hours; however, all one hundred credit hours may be earned in this category. Category 1 activities include:

(a) Scientific courses or seminars approved, offered, or sponsored by the American Podiatric Medical Association and its component societies and affiliated and related organizations; and

(b) Scientific courses or seminars offered or sponsored by entities such as the American Medical Association, the American Osteopathic Association, the American Heart Association, or the American Physical Therapy Association when offering or sponsoring continuing education programs related to podiatric medicine.

(2) Category 2 - A maximum of fifty hours. Category 2 activities include courses or seminars related to health care delivery offered or sponsored by entities such as nonprofit organizations, other proprietary organizations, and individuals when offering or sponsoring continuing education in health care delivery.

(3) Category 3 - A maximum of fifty hours. Category 3 credit hours and activities include:

(a) Up to twenty hours through teaching, lecturing, and publishing in a peer-reviewed, scientific journal or textbook;

(b) Up to twenty hours through online study and programs;

(c) Up to twenty hours through self-study including, but not limited to, specialty board examination preparation, reading papers and publications, or viewing or attending exhibits; and

(d) Up to thirty hours for participation on a staff committee for quality of care or utilization review in a health care institution or government agency, such as serving on a hospital peer-review committee or serving as a board member on the podiatric medical board.

(4) One contact hour is defined as a typical fifty-minute classroom instructional session or its equivalent.

(5) The board will not give prior approval for any continuing medical education. The board will accept any continuing education that reasonably falls within these regulations and relies upon the integrity of each individual podiatric physician and surgeon to comply with these requirements.

**WSR 16-01-114**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
(Podiatric Medical Board)

[Filed December 17, 2015, 3:00 p.m., effective January 17, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-922-030 Approved schools of podiatric medicine, 246-922-040 Examinations, and 246-922-100 Acts that may be delegated to unlicensed persons. Replacing outdated language and standards regarding recognized schools of podiatric medicine and exam requirements with current terms and standards. Repealing WAC 246-922-100 because assistive personnel working for podiatric physicians must obtain a medical assistant credential to perform clinical tasks.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-922-100; and amending WAC 246-922-030 and 246-922-040.

Statutory Authority for Adoption: RCW 18.22.015 and 18.130.050.

Adopted under notice filed as WSR 15-14-090 on June 29, 2015.

Changes Other than Editing from Proposed to Adopted Version: The board adopted a minor change to the exam section under WAC 246-922-040 to clarify that conditions would apply to someone who graduated by a specified date. The proposed language stated that the conditions apply to a person who was licensed by the specified date. This change was adopted to clarify that this language applies to graduates who may have not yet obtained a license.

A final cost-benefit analysis is available by contacting Brett Cain, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4766, fax (360) 236-2901, e-mail brett.cain@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 1.

Date Adopted: August 6, 2015.

Suzanne M. Wilson, DPM  
Chair

AMENDATORY SECTION (Amending WSR 91-10-041, filed 4/25/91, effective 5/26/91)

**WAC 246-922-030 Approved schools of podiatric medicine.** For the purpose of the laws relating to podiatric medicine, the board approves ~~((the following list of schools of podiatric medicine: California College of Podiatric Medicine, San Francisco, California; College of Podiatric Medicine and Surgery, Des Moines, Iowa; New York College of Podiatric Medicine, New York, New York; Ohio College of Podiatric Medicine, Cleveland, Ohio; Pennsylvania College of Podiatric Medicine, Philadelphia, Pennsylvania; Dr. William Scholl College of Podiatric Medicine, Chicago, Illinois; Barry University School of Podiatric Medicine, Miami Shores, Florida))~~ the schools accredited by the Council on Podiatric Medical Education.

AMENDATORY SECTION (Amending WSR 91-10-041, filed 4/25/91, effective 5/26/91)

**WAC 246-922-040 Examinations.** ~~(((1) In order to be licensed to practice podiatric medicine and surgery in the state of Washington, all applicants except those who are seeking licensure by endorsement from another state under subsection (8) of this section, must pass Part I and Part II of the national examination prepared by the National Board of Podiatric Medical Examiners in addition to the PMLexis examination approved by the Washington state podiatric medical board as the state examination.~~

~~(2) The Washington state podiatric medical examination shall include the following topics: Medicine and general podiatric medicine, to include but not limited to, microbiological diseases, dermatology, neurology, cardiovascular-respiratory, musculoskeletal, metabolic and endocrine, medical emergencies and trauma, rheumatology; and therapeutics; to include but not limited to, pharmacology, physical medicine and rehabilitation, local therapy, systemic therapy, surgery, and biomechanics.~~

~~(3) The state examination shall be administered twice annually on the second Tuesday of June and the first Tuesday of December. Applications for examination or reexamination shall be received in the office of the professional licensing services division, department of health, no later than April 15th for the following June examination and October 1 for the following December examination.~~

~~(4) Every applicant for a podiatric physician and surgeon license shall be required to pass the state examination with a grade of at least 75.~~

~~(5) The board shall approve the method of grading each examination, and shall apply such method uniformly to all applicants taking the examination.~~

~~(6) The board and the department shall not disclose any applicant's examination score to anyone other than the applicant, unless requested to do so in writing by the applicant.~~

~~(7) The applicant will be notified, in writing, of his or her examination scores.~~

~~(8) Applicants for licensure who have been licensed by examination in another state or who have successfully passed the examinations given by the National Board of Podiatric Medical Examiners will be required to pass the state approved examination. If the examination taken in another state is the Virginia or PMLexis examination and the applicant passed the Virginia examination or PMLexis on or after June 1988 the applicant shall be deemed to have passed the approved examination in this state.~~

~~(9) Applicants failing the state approved examination whether taken in this or another state in which the Virginia or PMLexis examination was taken after June 1988 may be reexamined no more than three times. Applicants who have failed the state approved examination three times may petition the board to be permitted to retake the examination on additional occasions and the applicant must provide satisfactory evidence to the board that he or she has taken remedial measures to increase his or her likelihood of passing the examination. If the applicant does not provide satisfactory evidence to the board, the board shall deny the request to retake the examination until such time that the applicant can provide satisfactory evidence of remedial measures undertaken to increase his or her likelihood of passing the examination.)~~ In order to obtain a license to practice podiatric medicine and surgery in the state of Washington, an applicant must:

(1) Successfully pass all parts of the American Podiatric Medical Licensing Examination administered through the National Board of Podiatric Medical Examiners; or

(2) Be licensed by examination in another state or territory of the United States, or the District of Columbia; and

(a) If graduated on or after June 1988, have successfully passed Parts I, II, and III of the national examination prepared by the National Board of Podiatric Medical Examiners; or

(b) If graduated prior to June 1988, have successfully passed Parts I and II of the national examination administered through the National Board of Podiatric Medical Examiners in addition to the Virginia licensing examination or the PMLexis examination.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-922-100 Acts that may be delegated to an unlicensed person.

**WSR 16-01-121**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Children's Administration)

[Filed December 18, 2015, 9:23 a.m., effective January 18, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is changing licensing regulations in WAC 388-148-1320(4) and 388-145-1335(4) to include further instructions on how to proceed with appli-

cants that have a positive TB test result due to latent TB. Latent TB will produce a positive TB test, but latent TB is not contagious, nor does it pose a risk to others. This change will allow the division of licensed resources (DLR) to license these homes that otherwise meet the minimum licensing requirements with a physician's statement.

The department is changing licensing regulations in WAC 388-148-1320(6) and 388-145-1335(5) to include a medical exemption to the influenza vaccination for foster parents and their household members and agency staff and volunteers. The exemption requires a medical doctor's (MD) statement for a medical reason not to obtain the influenza vaccination because it would result in severe medical consequences to the person and there is no other form of the influenza vaccine that would not cause severe medical consequences. The basis for these provisions is the need to license appropriate and qualified homes to provide care for foster children. The current WAC language impedes DLR in being able to license these otherwise appropriate homes and there are a number of children waiting for homes. There were no other content or language changes to WAC 388-148-1320 or 388-145-1335.

The department is updating WAC 388-148-1320(3), which references chapter 388-06 WAC. Chapter 388-06 WAC was changed to chapter 388-06A WAC on February 15, 2015.

Citation of Existing Rules Affected by this Order: Amending WAC 388-148-1320 (3), (4), (6) and 388-145-1335 (4), (5).

Statutory Authority for Adoption: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031.

Adopted under notice filed as WSR 15-19-082 on September 15, 2015.

Changes Other than Editing from Proposed to Adopted Version: In both WAC 388-148-1320(6) and 388-145-1335(5) the term "medical doctor MD" was changed to "licensed health care provider" based off of written comment received. In WAC 388-148-1320(3) the reference to "388-06 WAC" was changed to "388-06A WAC" as this background check WAC was renumbered on February 15, 2015.

A final cost-benefit analysis is available by contacting Kristina Wright, 1115 Washington Street, Olympia, WA 98504-5710, phone (360) 902-8349, fax (360) 902-7903, e-mail wrightks@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: December 17, 2015.

Kevin Quigley  
Secretary

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

**WAC 388-145-1335 What additional steps must I complete prior to licensing?** (1) You must submit to your licensor a detailed written program description for DLR approval. In the description you must outline:

- (a) Your mission and goals;
- (b) A description of the services you will provide to children and their families;
- (c) Your written policies covering qualifications, duties and ongoing training for developing and upgrading staff skills; and
- (d) A description of your agency's policies and procedures.

(e) For staffed residential facilities in family homes, you must provide a written plan to the child's DSHS worker for the supervision of children in your care if you work outside of your staffed residential home.

(2) You must have a site inspection by your DLR licensor or someone designated by DLR who can verify that your premises have:

- (a) Adequate storage for staff and client files;
- (b) A landline working telephone;
- (c) Adequate space for privacy when interviewing parents and children;
- (d) Room or area used for administrative purposes;
- (e) Adequate space for visitation;
- (f) Appropriate furnishings for the children in your facility; and
- (g) Your license clearly posted (if inspection is for a renewal license).

(3) All facilities described in this chapter, (except for staffed residential homes for five or fewer children), are required to meet the health requirements to receive a certificate of compliance from the Washington state department of health (DOH) and the fire safety requirements from the Washington state patrol fire protection bureau (WSP/FPB).

(4) You, your employees and volunteers are required to submit a negative tuberculosis test or an X ray. If there is a positive TB test, then the individual must submit a physician's statement identifying that there is no active TB or risk of contagion to children in care.

(a) We may grant an exception to the TB test requirement, in consultation with a licensed health care provider.

(b) This exception would require a statement from a licensed health care provider (MD, DO, ND, PA or ARNP) indicating that a valid medical reason exists for not having a TB test.

(5) If you are being licensed to care for children under the age of two, you, your employees and volunteers working in the facility caring for children under the age of two are required to provide documentation verifying you have current pertussis and influenza vaccinations. The department may license you to serve children under the age of two even though you, your employees or volunteers are unable to

obtain an influenza vaccination for medical reasons. In this case, a licensed health care provider's statement is required noting that the influenza vaccination would result in severe medical consequences to the person and that there is no other form of the influenza vaccine that would not cause severe medical consequences. All other employees or volunteers must still be vaccinated. We recommend (but do not require) these immunizations for you, your employees and volunteers when you serve children age two and older.

(6) You must have proof of current immunizations for any children living on the premises, not in out-of-home care. We may, in consultation with a licensed health care provider, grant exceptions to this requirement if you have a statement from a licensed health care provider (MD, DO, ND, PA or ARNP).

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

**WAC 388-148-1320 When will the department grant me a foster family license?** (1) We issue you a license when you and everyone in your household meet the licensing requirements contained in this chapter, and all required documents are in the licensing file.

(2) You and other caregivers over the age of eighteen must:

- (a) Complete first aid training and age-appropriate adult and/or infant CPR (cardiopulmonary resuscitation). Training must be department approved and accredited with nationally recognized standards; and
- (b) Complete HIV/AIDS and bloodborne pathogens training including infection control standards consistent with educational materials published by the department of health, office on HIV/AIDS.

(3) You, your household members and anyone else having unsupervised contact with your foster child(ren) must pass the following background check requirements per chapter 388-06A WAC (This includes people living on any part of your property):

(a) Anyone over the age of sixteen must pass a criminal history check.

(b) Anyone over the age of eighteen must pass an FBI fingerprint check.

(c) Anyone over the age of eighteen must complete a child abuse and neglect registry check from each state they have lived in over the past five years indicating:

(i) No license denials or revocations from an agency that regulates the care of children or vulnerable adults, unless the department determines that you do not pose a risk to a child's health, safety, well-being and long-term stability; and

(ii) No finding or substantiation of abuse or neglect of a child or a vulnerable adult, unless the department determines that you do not pose a risk to a child's safety, well-being, and long-term stability.

(4) You, and your household members over the age of eighteen must submit a negative tuberculosis test or an X-ray, unless you can demonstrate a medical reason prohibiting the TB test, or have had a negative TB test in the previous twelve months. If there is a positive TB test, then the individual must

submit a physician's statement identifying that there is no active TB or risk of contagion to children in care.

(5) You must have proof of current immunizations for any children living on your premises, not in out-of-home care. We may, in consultation with a licensed health care provider, grant exception to this requirement if you have a statement from a licensed health care provider (MD, DO, ND, PA and ARNP).

(6) We recommend that you have pertussis and influenza immunizations. The department will not license you to serve foster children under the age of two, without proof of pertussis and influenza immunizations for all people living in your home. The department may license you to serve children under the age of two even though you or someone in your home is unable to obtain an influenza vaccination for medical reasons. In this case, a licensed health care provider's statement is required noting that the influenza vaccination would result in severe medical consequences to the person and that there is no other form of the influenza vaccine that would not cause severe medical consequences. All other persons in the home must still be vaccinated.

(7) Before granting or renewing a license, your licensor will assess your ability to provide a safe home and to provide the quality of care needed by children placed in your home. Your licensor will also determine that you meet training requirements.

(8) Foster children under the care and authority of the department living in your home do not need to obtain a criminal history check, FBI fingerprint check or TB test.

### WSR 16-01-132

#### PERMANENT RULES

#### DEPARTMENT OF AGRICULTURE

[Filed December 18, 2015, 11:11 a.m., effective January 18, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department proposed to amend chapter 16-86 WAC to:

- Change the virgin bull age from twelve months to eighteen months and remove the weight notation of "less than eight hundred pounds."
- Add that the age verification of a virgin bull can be made by breed registration documents.
- Add a requirement that the virgin bull status is verified by a statement and a signature by the owner or owner's designee.
- Add a requirement that bulls presented at a public livestock market must be sampled for trichomoniasis prior to leaving the market and not be turned out with female cattle until confirmed negative test results are reported.
- Add a requirement that each bull sampled be identified with a current year trichomoniasis tag and a USDA approved official identification tag.

Citation of Existing Rules Affected by this Order: Amending WAC 16-86-005, 16-86-114, 16-86-115, and 16-86-116.

Statutory Authority for Adoption: RCW 16.36.040.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 15-20-118 on October 7, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 18, 2015.

Derek I. Sandison  
Director

AMENDATORY SECTION (Amending WSR 15-02-028, filed 12/30/14, effective 1/30/15)

**WAC 16-86-005 Definitions.** In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

"Accredited veterinarian" means a veterinarian licensed to practice veterinary medicine, surgery, and dentistry in the state of Washington and approved by the United States Department of Agriculture (USDA) Veterinary Services to participate in state-federal cooperative programs.

"Adult vaccination tattoo" means a tattoo in the right ear with the letters RAV followed by the last digit of the year in which the vaccination was administered with RB-51 *Brucella* vaccine. An example is RAV2 for an adult vaccinated in 2012.

"Breed registry tattoo" means individual registry tattoos issued by breed associations.

"Brucellosis vaccine" means only those *Brucella abortus* products that are approved by and produced under license of the USDA for injection into cattle to enhance their resistance to brucellosis.

"Calfhood vaccination tattoo" means a tattoo in the right ear consisting of an R, the United States registered V-shield, and the last digit of the year in which the animal was vaccinated with RB-51 *Brucella* vaccine. An example is RV-shield2 for a calf vaccinated in 2012.

"Department" means the Washington state department of agriculture (WSDA).

"Director" means the director of WSDA or the director's authorized representative.

"Herd plan" means a written management agreement between the animal owner and the state veterinarian, with possible input from a private accredited veterinarian designated by the owner, in which each participant agrees to undertake actions specified in the herd plan to control the



spread of infectious, contagious, or communicable disease within and from an infected herd and to work toward eradicating the disease in the infected herd.

"Official calthood vaccinate" means female cattle between four and twelve months of age that are vaccinated with brucellosis vaccine at a calthood dose (2cc subcutaneously) and officially individually identified.

"Official individual identification" means identifying an animal using USDA-approved devices or methods or an alternative form of identification agreed upon by the sending and receiving states, such as unique breed registry tattoos when accompanied by registration documentation. A group of animals may be identified by registered brands when accompanied by a certificate of inspection from a brand inspection authority recognized by the director when agreed upon by the sending and receiving states.

"Official Washington adult vaccinate" means female cattle over the age of twelve months that have resided in Washington state for ninety days or more and are vaccinated with a dose of brucellosis vaccine (2cc subcutaneously) under directions issued by the director.

"Premises" means a location where livestock are kept.

"Timed events" means competitive events that take place where time elapsed is the factor that determines the placing of individuals competing in the event.

"USDA" means the United States Department of Agriculture.

"Virgin bull" means a sexually intact male bovine (~~less than eight hundred pounds and~~) less than ~~((twelve))~~ eighteen months of age, as determined by dentition inspection by an accredited veterinarian (~~(- Virgin bulls must be certified by the owner or the owner's designee with a signed statement as having had no breeding contact with female cattle) or verified by breed registration documents, that is confirmed by a statement and the signature of the owner or the owner's designee as having had no breeding contact with female cattle.~~

**AMENDATORY SECTION** (Amending WSR 12-21-009, filed 10/5/12, effective 11/5/12)

**WAC 16-86-114 Trichomoniasis testing at public livestock markets.** (1) (~~(Bulls presented at a public livestock market that are less than eight hundred pounds and judged to be less than twelve months of age by the market veterinarian using dentition inspection))~~ Virgin bulls, as defined in WAC 16-86-005, that are presented at a public livestock market are exempt from trichomoniasis testing.

(2) (~~(Bulls presented at a public livestock market that are less than eight hundred pounds and determined to be more than twelve months of age by the market veterinarian using dentition inspection))~~ All other bulls must be ((tested)):

• Sampled for trichomoniasis((-)) prior to leaving the market and not be turned out with female cattle until confirmed negative test results are reported; or ~~((be))~~

• Castrated prior to leaving the market((-)); or ~~((be))~~

• Sent to a category 2 restricted holding facility as defined in WAC 16-30-035((-)); or ~~((be))~~

• Delivered directly to a USDA-inspected slaughter facility.

**AMENDATORY SECTION** (Amending WSR 15-02-028, filed 12/30/14, effective 1/30/15)

**WAC 16-86-115 Trichomoniasis in Washington cattle.** (1) Any sexually intact bovine, except for bison, that is found test-positive for trichomoniasis, and any herd in which one or more bulls or cows are found test-positive for trichomoniasis, is considered infected. Test-positive means a positive result on a quantitative polymerase chain reaction (qPCR) test for trichomoniasis.

(2) In the case of infected sexually intact bovine, the herd shall be quarantined pending an epidemiological investigation to determine the source of the infection.

(3) All exposed herds will be identified by an accredited veterinarian in conjunction with the department. An exposed herd is defined as a cattle herd which has had, within the past twelve months, direct commingling or cross-fence contact with an infected herd during a time of potential breeding activity. The owner of exposed herds will be notified of the possible exposure and requested to test the herd using a qPCR test. All testing will be at the owner's expense.

(4)(a) Infected bulls will be quarantined and branded high on the tail head by the department with a USDA regulatory S-brand, and will not be used for breeding.

(b) Infected bulls must be slaughtered, sold for slaughter, ~~((sent to a restricted feedlot,))~~ or sent to a category 2 restricted holding facility to remain in slaughter channels. Infected bulls shall only be moved when accompanied by a USDA form VS 1-27.

(c) ~~((Bulls of unknown origin or unknown breeding history offered for sale at a livestock market must be:~~

(i) ~~Castrated prior to leaving the market; or~~

(ii) ~~Tested negative for trichomoniasis by a qPCR test before being turned out with breeding stock; or~~

(iii) ~~Sold for slaughter; or~~

(iv) ~~Sent to a category 2 restricted holding facility to remain in slaughter channels.~~

~~((d))~~ A nonpregnant female, with no calf at side, which is identified by the owner as being from an infected herd and is offered for sale at a livestock market, must remain in slaughter channels.

(5) The quarantine will be removed when all remaining bulls in the herd test negative to a second qPCR test for trichomoniasis and following proof of removal of infected bulls. Bulls must have a minimum of two negative qPCR tests at least one week apart for quarantine release. All bulls from infected herds, except virgin bulls, will be tested using a qPCR test the following trich-year before breeding. A trich-year means the period from September 1st to August 31st of any given year. Bulls from infected herds may not have to be tested the following trich-year if a herd plan has been approved by the state veterinarian.

(6) Information that cattle have tested positive for trichomoniasis may be supplied to county extension agents, accredited veterinarians, and industry representatives. Each month, the department may publish a press release of counties that have infected herds.

AMENDATORY SECTION (Amending WSR 10-20-093, filed 9/30/10, effective 10/31/10)

**WAC 16-86-116 Duties of certified, accredited veterinarians—Training requirement for veterinarians performing trichomoniasis testing in cattle.** (1) Effective January 1, 2011, accredited veterinarians may not perform official trichomoniasis testing of bulls in Washington state until they are certified to do so by having successfully completed training and passed a proficiency examination provided by the department.

(2) All official trichomoniasis testing of bulls in Washington state shall be performed by a certified, accredited veterinarian.

(3) ~~(A schedule of)~~ Information on training opportunities is available by contacting the department at:

Washington State Department of Agriculture  
Animal Services Division  
1111 Washington Street S.E.  
P.O. Box 42577  
Olympia, Washington 98504-2577  
360-902-1878

(4) Certified veterinarians shall utilize only official laboratories recognized by the state veterinarian for testing trichomoniasis samples. Positive test results will be sent to the department by the next business day.

(5)(a) Quantitative polymerase chain reaction (qPCR) is the test method for official tests accepted by the department.

(b) An official test is one in which the sample is collected by a certified veterinarian and received in the official laboratory in good condition within forty-eight hours of collection. Samples in transit for more than forty-eight hours or have been frozen or exposed to high temperatures will not be accepted for official testing. All samples shipped to the laboratory must be in ~~((pouch media, lactated Ringer's solution, or in normal saline solution))~~ a transport medium approved by the testing laboratory. All sampling will be obtained by pipette scrapings from the prepuce and glans of a bull.

(6) Each sampled bull shall have a current-year Washington trichomoniasis tag and a USDA-approved official identification tag applied. If a bull already bears an official identification tag at the time of sampling, the individual identification number on that device shall be recorded. Both tag numbers should be recorded on the laboratory submission form so that testing and results can be verified by either number. Additional official individual identification must not be applied.

(7) A trichomoniasis testing year is defined as September 1st through August 31st.

### WSR 16-01-133

#### PERMANENT RULES

#### DEPARTMENT OF AGRICULTURE

[Filed December 18, 2015, 11:11 a.m., effective January 18, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department proposed to amend chapter 16-54 WAC to:

- Change the virgin bull age from twelve months to eighteen months and remove the weight notation of "less than eight hundred pounds."
- Add that the age verification of a virgin bull can be made by breed registration documents.
- Add a requirement that the virgin bull status is verified by a statement and a signature by the owner or owner's designee.

Citation of Existing Rules Affected by this Order:  
Amending WAC 16-54-010 and 16-54-086.

Statutory Authority for Adoption: RCW 16.36.040.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 15-20-119 on October 27 [7], 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 18, 2015.

Derek I. Sandison  
Director

AMENDATORY SECTION (Amending WSR 15-02-025, filed 12/30/14, effective 1/30/15)

**WAC 16-54-010 Definitions.** In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

"Accredited free state" means a state that has been determined by United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) to have a zero prevalence of cattle and bison herds affected with bovine tuberculosis as listed in Title 9 C.F.R. Part 77.7 (January 1, 2014).

"Approved veterinary laboratory" means a laboratory that has been approved by National Veterinary Services Laboratories or other USDA, APHIS-approved facility.

"Certificate of veterinary inspection" means a legible veterinary health inspection certificate on an official form (electronic or paper) from the state of origin or from USDA, APHIS executed by a licensed and accredited veterinarian or a veterinarian approved by USDA, APHIS. The certificate of veterinary inspection is also known as an "official health certificate."

"Class free and Class A, B, and C states" means states that are classified for brucellosis by USDA, APHIS in Title 9 C.F.R. Part 78.41 (January 1, 2014).

"Consigned" means to deliver for custody or sale.

"Dairy cattle" means all cattle, regardless of age or sex or current use, that are of a breed used to produce milk or other dairy products for human consumption including, but not limited to, Ayrshire, Brown Swiss, Holstein, Jersey, Guernsey, and Milking Shorthorn.

"Department" means the Washington state department of agriculture (WSDA).

"Director" means the director of WSDA or the director's authorized representative.

"Domestic bovine" means domesticated cattle, including bison.

"Domestic equine" means horses, donkeys, mules, ponies, and other animals in the *Equidae* family.

"Entry permit" means prior written permission issued by the director to admit or import animals or animal reproductive products into Washington state.

"Exotic animal" means species of animals that are not native to Washington state but exist elsewhere in the world in the wild state.

"Feral swine" means animals included in any of the following categories:

- Animals of the genus *Sus* that are free roaming on public or private lands and do not appear to be domesticated;
- Swine from domesticated stocks that have escaped or been released or born into the wild state;
- European wild hogs and their hybrid forms (also known as European wild boars or razorbacks), regardless of whether they are free roaming or kept in confinement; or
- Animals of the family *Tayassuidae* such as peccaries and javelinas, regardless of whether they are free roaming or kept in confinement.

"Immediate slaughter" means livestock will be delivered to a federally inspected slaughter facility within twelve hours of entry into Washington state.

"Mature vaccinate" means a female bovine over the age of twelve months that has been vaccinated, under directions issued by the state of origin, with a mature dose of brucellosis vaccine.

"Modified accredited state" means a state that has been determined by USDA, APHIS to have a prevalence of bovine tuberculosis of less than 0.1 percent of the total number of herds of cattle and bison as listed in Title 9 C.F.R. Part 77.11 (January 1, 2014).

"Movement permit" means an entry permit that is valid for six months and permits the entry of domestic equine into Washington state.

"NPIP" means the National Poultry Improvement Plan.

"Official brucellosis test" means the official test defined by Title 9 C.F.R. Part 78.1 (January 1, 2014).

"Official brucellosis vaccinate" means an official adult vaccinate or official calfhood vaccinate as defined by Title 9 C.F.R. Part 78.1 (January 1, 2014).

"Official individual identification" means identifying an animal using USDA-approved devices or methods, or an alternative form of identification agreed upon by the sending and receiving states, such as unique breed registry tattoos when accompanied by registration documentation. A group of animals may be identified by registered brands when accompanied by a certificate of inspection from a brand

inspection authority recognized by the director when agreed upon by the sending and receiving states.

"Poultry" means chickens, turkeys, ratites, waterfowl, game birds, pigeons, doves, and other domestic fowl.

"Psittacine" means birds belonging to the family *Psittacidae* including, but not limited to, parrots, macaws, and parakeets.

"Restricted feedlot" means a feedlot holding a permit issued under chapter 16-30 WAC.

"Restricted holding facility" means an isolated area approved and licensed by the director, as advised by the state veterinarian.

"Stage I, II, III, IV, or V pseudorabies state" means states as classified by the Pseudorabies Eradication State-Federal-Industry Program Standards (November 1, 2003).

"USDA, APHIS" means the United States Department of Agriculture Animal and Plant Health Inspection Service.

"Virgin bull" means a sexually intact male bovine less than ~~((eight hundred pounds and less than twelve))~~ eighteen months of age, as determined by dentition inspection by an accredited veterinarian or verified by breed registration documents, that is ((certified)) confirmed by a statement and the signature of the owner or the owner's designee as having had no breeding contact with female cattle.

"Wild animals" is defined in RCW 77.08.010(61).

AMENDATORY SECTION (Amending WSR 15-02-025, filed 12/30/14, effective 1/30/15)

**WAC 16-54-086 Bovine trichomoniasis requirements.** (1) **Bulls** (except bison) may be imported into the state of Washington if they meet the following requirements:

(a) The bulls originate from a herd wherein all bulls have tested negative for bovine trichomoniasis since they were removed from female cattle; or

(b) The bulls have tested negative to a bovine trichomoniasis quantitative polymerase chain reaction (qPCR) test within sixty days before import and have had no contact with female cattle from the time of the test to the time of import; or

(c) Rodeo bulls for timed events and bucking bulls have tested negative for bovine trichomoniasis within the past twelve months and have a statement on the certificate of veterinary inspection certifying that the bulls have had no female breeding contact; or

(d) If the bulls originate from a herd where one or more bulls or cows have been found infected with bovine trichomoniasis **within the past twelve months**, the bulls must have two negative qPCR tests one week apart. The samples for each test must be collected within thirty days before cattle are imported into Washington state, and an import permit must be obtained from the director and include a certifying statement that the bulls originated from an infected herd.

(2) Laboratory pooled qPCR samples collected from up to five bulls will be accepted if the following conditions are met:

(a) Bulls are ~~((twelve))~~ eighteen months of age and older that cannot be ~~((designated))~~ exempted as virgin bulls under WAC 16-54-010, and which have had no breeding contact with female~~(s)~~ cattle; and

(b) Bulls originate from a herd where there is no history of trichomoniasis infection, and are part of a single herd, not assembled cattle; and

(c) Bulls are sampled for a (~~herd~~) diagnostic test without regulatory implications or are not part of a (~~disease~~) trichomoniasis investigation.

(3) Before arrival at their destination in Washington state, all imported bulls must be identified with official identification or an official trichomoniasis bangle tag.

(4) Bulls that enter Washington state without meeting the bovine trichomoniasis requirements of this section will be subject to a quarantine order or a hold order at the owner's expense until they have had two negative qPCR tests one week apart.

(5)(a) Any bull or cow that is positive to a trichomoniasis test, and any herd in which one or more bulls or cows are found infected with trichomoniasis is considered infected.

(b) In the case of bulls testing positive to trichomoniasis, the herd shall be subject to a quarantine order or a hold order pending an epidemiological investigation to determine the source of the infection, and as long as infection persists in the herd.

(c) Infected bulls will be subject to a quarantine order or a hold order and will not be used for breeding. They must be slaughtered, sold for slaughter, or sent to a restricted feedlot or category 2 restricted holding facility to remain in slaughter channels.

(6) **Certification and proficiency testing and types of tests.** The state veterinarian will determine trichomoniasis training for veterinarians and laboratories, and the types of tests used to determine trichomoniasis infection. All sampling will be obtained by pipette scrapings from the prepuce and glans of a bull.

(a) All trichomoniasis testing of bulls in Washington state shall be performed by a veterinarian accredited by the USDA APHIS. In addition, all accredited veterinarians testing bulls in Washington state for trichomoniasis are required to successfully complete training and pass a trichomoniasis testing procedure proficiency examination provided by the department. Effective January 1, 2011, accredited veterinarians may not perform official trichomoniasis testing of bulls in Washington state until they have successfully completed the training and passed the proficiency examination.

A schedule of training opportunities is available by contacting the department at:

Washington State Department of Agriculture  
Animal Services Division  
1111 Washington Street S.E.  
P.O. Box 42577  
360-902-1878

(b) Registered veterinarians shall only utilize official laboratories recognized by the state veterinarian for testing of trichomoniasis samples.

(c) Registered veterinarians collecting samples in the state of Washington shall submit results of all trichomoniasis tests and all official identification on official trichomoniasis test and report forms to the animal services division within five business days of receiving test results from an approved

laboratory (~~(or identifying virgin bulls with official trichomoniasis bangle tags)~~).

(d)(i) Polymerase chain reaction is accepted as an official test when completed by an approved laboratory and when the sample is received by the laboratory within forty-eight hours of collection.

(ii) Other tests for trichomoniasis may be approved as official tests by the state veterinarian after the tests have been proven effective by research, have been evaluated sufficiently to determine efficacy, and a protocol for use of the test has been established.

(iii) An official test is one in which the sample is received in the approved laboratory in good condition within forty-eight hours of collection. Samples in transit for more than forty-eight hours will not be accepted for official testing and must be discarded. Samples that have been frozen or exposed to high temperatures must also be discarded.

#### **Exemptions to bovine trichomoniasis test requirements.**

(7) Virgin bulls, as defined in WAC 16-54-010 are exempt from bovine trichomoniasis test requirements. (~~If sold, virgin bulls must be officially identified and accompanied by a certificate signed by the owner or the owner's designee that they have had no breeding contact with female cattle. "Virgin bull" means a sexually intact male bovine less than eight hundred pounds and less than twelve months of age, as determined by dentition inspection by an accredited veterinarian, that is certified by the owner or the owner's designee as having had no breeding contact with female cattle; or bulls that are less than eighteen months of age and have had no breeding contact with female bovines and originate from a herd where all bulls have been tested negative, by a quantitative polymerase chain reaction (qPCR) test, to trichomoniasis for the past three years.)~~)

### **WSR 16-01-148**

#### **PERMANENT RULES**

#### **BUILDING CODE COUNCIL**

[Filed December 21, 2015, 11:41 a.m., effective July 1, 2016]

Effective Date of Rule: July 1, 2016.

Purpose: Adoption and amendment of the 2015 International Mechanical Code, chapter 51-52 WAC. This also includes adoption of the 2015 International Fuel Gas Code, 2015 Edition of NFPA 54, and the 2014 Edition of NFPA 58.

Citation of Existing Rules Affected by this Order: Amending WAC 51-52-003, 51-52-008, 51-52-0101, 51-52-0102, 51-52-0202, 51-52-0301, 51-52-0306, 51-52-0307, 51-52-0401, 51-52-0403, 51-52-0504, 51-52-0505, 51-52-0506, 51-52-0507, 51-52-0601, 51-52-0605, 51-52-0606, 51-52-0928, 51-52-1500, 51-52-21101, 51-52-21401, and 51-52-21601.

Statutory Authority for Adoption: RCW 19.27.031.

Other Authority: RCW 19.27.074.

Adopted under notice filed as WSR 15-16-098 on August 4, 2015.

Changes Other than Editing from Proposed to Adopted Version: Section 307.2.4.1 was modified to replace "or other

means of trapping" with "or other means of condensate drainage."

Table 403.3.1.1 was modified with an editorial change to "Public spaces" - adding the word "system" after "whole house exhaust."

Section 403.8 was modified for clarity.

Sections 504.4 and 505.1 were both modified to replace "terminate at a common exhaust transition piece" with "terminate at a common location" for clarity.

Section 606.2.1, exception 2, was modified to delete the word "return."

Section 1107.2 was modified to better align with the model code style and the expected 2018 content.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 5, Amended 22, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 13, 2015.

November 13, 2015  
David F. Kokot  
Council Chair

## Chapter 51-52 WAC

### STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE ~~((2012))~~ 2015 EDITION OF THE INTERNATIONAL MECHANICAL CODE

AMENDATORY SECTION (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

**WAC 51-52-003 International Mechanical Code.** The ~~((2012))~~ 2015 edition of the *International Mechanical Code* published by the International Code Conference is hereby adopted by reference with the exceptions noted in this chapter of the Washington Administrative Code (WAC).

AMENDATORY SECTION (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

**WAC 51-52-008 Implementation.** The International Mechanical Code adopted by chapter 51-52 WAC shall become effective in all counties and cities of this state on July 1, ~~((2013))~~ 2016.

AMENDATORY SECTION (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

#### WAC 51-52-0101 Section 101—General.

**101.2 Scope.** This code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the *International Fuel Gas Code*.

EXCEPTIONS:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.
2. The standards for liquefied petroleum gas installations shall be the ~~((2011))~~ 2014 Edition of NFPA 58 (Liquefied Petroleum Gas Code) and the ~~((2012))~~ 2015 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

AMENDATORY SECTION (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

#### WAC 51-52-0102 Section 102—Applicability.

**102.4 Additions, alterations or repairs.** Additions, alterations, renovations or repairs to a mechanical system shall conform to that required for a new mechanical system without requiring the existing mechanical system to comply with all of the requirements of this code. Additions, alterations or repairs shall not cause an existing mechanical system to become unsafe, hazardous or overloaded.

Minor additions, alterations, renovations and repairs to existing mechanical systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is *approved*.

((EXCEPTION: Additions, alterations, renovations or repairs to a mechanical system that is part of a building addition with less than 500 square feet of conditioned floor area are exempt from the requirements for whole-house ventilation systems, Section 403.8.5.))

AMENDATORY SECTION (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

#### WAC 51-52-0202 Section 202—General definitions.

**LOCAL EXHAUST.** An exhaust system that uses one or more fans to exhaust air from a specific room or rooms within a dwelling.

**PERMANENT CONSTRUCTION.** Construction that, if removed, would disturb the structural integrity of the building or the fire-resistance rating of a building assembly.

**WHOLE HOUSE VENTILATION SYSTEM.** A mechanical ventilation system, including fans, controls, and ducts, which

replaces, by direct or indirect means, air from the habitable rooms with *outdoor air*.

AMENDATORY SECTION (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

**WAC 51-52-0301 Section 301—General.**

~~(**301.3 Identification.** Each length of pipe and tubing and each pipe fitting utilized in a mechanical system shall bear the identification of the manufacturer.~~

EXCEPTION: The manufacturer identification for fittings and pipe nipples shall be on each piece or shall be printed on the fitting or nipple packaging or provided documentation.)

AMENDATORY SECTION (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

**WAC 51-52-0306 Section 306—Access and service space.**

**306.5 Equipment and appliances on roofs or elevated structures.** Where equipment requiring access or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access such equipment or appliances, an interior or exterior means of access shall be provided. Such access shall not require climbing over obstructions greater than 30 inches (762 mm) in height or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal (33 percent slope). Such access shall not require the use of portable ladders. Where access involves climbing over parapet walls, the height shall be measured to the top of the parapet wall.

Permanent ladders installed to provide the required access shall comply with the following minimum design criteria:

1. The side railing shall extend above the parapet or roof edge not less than 42 inches (1067 mm).
2. Ladders shall have rung spacing not to exceed 12 inches (305 mm) on center. The uppermost rung shall be a maximum of 24 inches below the upper edge of the roof hatch, roof or parapet, as applicable.
3. Ladders shall have a toe spacing not less than 7 inches (178 mm) deep.
4. There shall be a minimum of 18 inches (457 mm) between rails.
5. Rungs shall have a minimum 0.75-inch (19 mm) diameter and be capable of withstanding a 300-pound (136.1 kg) load.
6. Ladders over 30 feet (9144 mm) in height shall be provided with offset sections and landings capable of withstanding 100 pounds (488.2 kg/m<sup>2</sup>) per square foot. Landing dimensions shall be not less than 18 inches and not less than the width of the ladder served. A guardrail shall be provided on all open sides of the landing.
7. Climbing clearances. The distance from the centerline of the rungs to the nearest permanent object on the climbing side of the ladder shall be a minimum of 30 inches measured perpendicular to the rungs. This distance shall be maintained from the point of ladder access to the bottom of the roof

hatch. A minimum clear width of 15 inches shall be provided on both sides of the ladder measured from the midpoint of and parallel with the rungs except where cages or wells are installed.

8. Landing required. The ladder shall be provided with a clear and unobstructed bottom landing area having a minimum dimension of 30 inches by 30 inches centered in front of the ladder.

9. Ladders shall be protected against corrosion by approved means.

10. Access to ladders shall be provided at all times.

Catwalks installed to provide the required access shall be not less than 24 inches (610 mm) wide and shall have railings as required for service platforms.

EXCEPTION: This section shall not apply to Group R-3 occupancies.

**306.6 Appliances above ceilings.** Appliances that are located above the ceiling shall be *accessible* for inspection, service and repair without removing *permanent construction*. Appliances shall be accessible from an access panel or removable ceiling tile with minimum nominal dimensions of 24 inches by 24 inches (609 mm x 609 mm).

The appliance is not required to be removable or replaceable through the access panel or removable ceiling tile. The appliance may be removed or replaced by removing the ceiling or wall assemblies adjacent to the appliance as long as they are not permanent construction.

EXCEPTIONS: 1. This section shall not apply to replacement appliances installed in existing compartments and alcoves where the working space clearances are in accordance with the equipment or appliance manufacturer's installation instructions.

2. A smaller access panel or removable ceiling tile shall be permitted when allowed by the equipment or appliance manufacturer's installation instructions.

AMENDATORY SECTION (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

**WAC 51-52-0307 Section 307—Condensate disposal.**

**307.2.3 Auxiliary and secondary drain systems.** In addition to the requirements of Section 307.2.1, where damage to any building components could occur as a result of overflow from the *equipment* primary condensate removal system, one of the following auxiliary protection methods shall be provided for each cooling coil or fuel-fired *appliance* that produces condensate:

1. An auxiliary drain pan with a separate drain shall be provided under the coils on which condensation will occur. The auxiliary pan drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The pan shall have a minimum depth of 1 1/2 inches (38 mm), shall not be less than 3 inches (76 mm) larger than the unit or the coil dimensions in width and length and shall be constructed of corrosion-resistant material. Galvanized sheet steel pans shall have a minimum thickness of not less than 0.0236 inch (0.6010 mm) (No. 24 gage). Non-metallic pans shall have a minimum thickness of not less than 0.0625 inch (1.6 mm).

2. A separate overflow drain line shall be connected to the drain pan provided with the *equipment*. Such overflow drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The overflow drain line shall connect to the drain pan at a higher level than the primary drain connection.

3. An auxiliary drain pan without a separate drain line shall be provided under the coils on which condensate will occur. Such pan shall be equipped with a water-level detection device conforming to UL 508 that will shut off the *equipment* served prior to overflow of the pan. The auxiliary drain pan shall be constructed in accordance with Item 1 of this section.

4. A water-level detection device conforming to UL 508 shall be provided that will shut off the *equipment* served in the event that the primary drain is blocked. The device shall be installed in the primary drain line, the overflow drain line, or in the equipment-supplied drain pan, located at a point higher than the primary drain line connection and below the overflow rim of such pan.

EXCEPTIONS:

1. Fuel-fired appliances that automatically shut down operation in the event of a stoppage in the condensate drainage system.
2. Unducted fan coil units where there is no factory option available for water-level detection devices and which are installed directly within the occupied space.

**307.2.4.1 Ductless mini-split system traps. Ductless mini-split equipment that produces condensate shall be provided with an inline check valve located in the drain line, a trap, or other means of condensate drainage in accordance with the manufacturer's instructions.**

**AMENDATORY SECTION** (Amending WSR 10-03-099, filed 1/20/10, effective 7/1/10)

**WAC 51-52-0401 Section 401—General.**

**401.2 Ventilation required.** Every occupied space other than enclosed parking garages and buildings used for repair of automobiles shall be ventilated in accordance with Section ~~((402.2.1-))~~ 401.2.1, 401.2.2 or 401.2.3. Enclosed parking garages and buildings used for repair of automobiles shall be ventilated by mechanical means in accordance with Sections 403 and 404.

**401.2.1 Group R occupancies.** Ventilation in Group R occupancies shall be provided in accordance with Section 403.8.

**401.2.2 Ambulatory care facilities and Group I-2 occupancies.** Ambulatory care facilities and Group I-2 occupancies shall be ventilated by mechanical means in accordance with Section 407.

**401.2.3 All other occupancies.** Ventilation in all other occupancies shall be provided by natural means in accordance with Section 402 or by mechanical means in accordance with Sections 403.1 to 403.7.

**401.3 When required.** Group R occupancies shall be vented continuously or intermittently in accordance with Section 403.8. Ventilation in all other occupancies shall be provided during the periods that the room or space is occupied.

**401.7 Testing and balancing.** At the discretion of the building official, flow testing may be required to verify that the mechanical system(s) satisfies the requirements of this chapter. Flow testing may be performed using flow hood measuring at the intake or exhaust points of the system, in-line pitot tube, or pitot-traverse type measurement systems in the duct, short term tracer gas measurements, or other means approved by the building official.

**AMENDATORY SECTION** (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

**WAC 51-52-0403 Section 403—Mechanical ventilation.**

**403.1 Ventilation system.** Mechanical ventilation shall be provided by a method of supply air and return or exhaust air. The amount of supply air shall be approximately equal to the amount of return and exhaust air. The system shall not be prohibited from producing negative or positive pressure. The system to convey ventilation air shall be designed and installed in accordance with Chapter 6.

**403.2 Outdoor air required.** The minimum ~~((ventilation rate of))~~ outdoor ~~((air))~~ airflow rate shall be determined in accordance with Section 403.3.

EXCEPTIONS:

1. Where the registered design professional demonstrates that an engineered ventilation system design will prevent the maximum concentration of contaminants from exceeding that obtainable by the rate of *outdoor air* ventilation determined in accordance with Section 403.3, the minimum required rate of *outdoor air* shall be reduced in accordance with such engineered system design.
2. Alternate systems designed in accordance with ASHRAE Standard 62.1 Section 6.2, Ventilation Rate Procedure, shall be permitted.

**403.2.1 Recirculation of air.** The air required by Section 403.3 shall not be recirculated. Air in excess of that required by Section 403.3 shall not be prohibited from being recirculated as a component of supply air to building spaces, except that:

1. Ventilation air shall not be recirculated from one dwelling to another or to dissimilar occupancies.

2. Supply air to a swimming pool and associated deck areas shall not be recirculated unless such air is dehumidified to maintain the relative humidity of the area at 60 percent or less. Air from this area shall not be recirculated to other spaces where 10 percent or more of the resulting supply air-stream consists of air recirculated from these spaces.

3. Where mechanical exhaust is required by Note b in Table ~~((403.3))~~ 403.3.1.1, recirculation of air from such spaces shall be prohibited. All air supplied to such spaces shall be exhausted, including any air in excess of that required by Table ~~((403.3))~~ 403.3.1.1.

(Item 4 is not adopted.)

**403.3 Outdoor air and local exhaust airflow rates.** Group R-2, R-3 and R-4 occupancies three stories and less in height above grade plane shall be provided with outdoor air and local exhaust in accordance with Section 403.8. All other buildings intended to be occupied shall be provided with out-

door air and local exhaust in accordance with Section 403.3.1.

**403.3.1.1 Outdoor airflow rate.** Ventilation systems shall be designed to have the capacity to supply the minimum outdoor airflow rate determined in accordance with this section. In each occupiable space, the ventilation system shall be designed to deliver the required rate of outdoor airflow to the breathing zone. The occupant load utilized for design of the ventilation system shall not be less than the number determined from the estimated maximum occupant load rate indicated in Table ((403.3)) 403.3.1.1. Ventilation rates for occupancies not represented in Table ((403.3)) 403.3.1.1 shall be those for a listed occupancy classification that is most similar in terms of occupant density, activities and building construction; or shall be determined by an approved engineering analysis. The ventilation system shall be designed to supply the

required rate of ventilation air continuously during the period the building is occupied, except as otherwise stated in other provisions of the code.

With the exception of smoking lounges, the ventilation rates in Table ((403.3)) 403.3.1.1 are based on the absence of smoking in occupiable spaces. Where smoking is anticipated in a space other than a smoking lounge, the ventilation system serving the space shall be designed to provide ventilation over and above that required by Table ((403.3)) 403.3.1.1 in accordance with accepted engineering practice.

EXCEPTION: Where occupancy density is known and documented in the plans, the outside air rate may be based on the design occupant density. Under no circumstance shall the occupancies used result in outside air less than one-half that resulting from application of Table ((403.3)) 403.3.1.1 estimated maximum occupancy rates.

**Table ((403.3)) 403.3.1.1  
REQUIRED OUTDOOR VENTILATION AIR**

Occupancy Classification	Occupant Density #/1000 ft <sup>2a</sup>	People Outdoor Airflow Rate in Breathing Zone R <sub>p</sub> cfm/Person	Area Outdoor Airflow Rate in Breathing Zone R <sub>a</sub> cfm/ft <sup>2a</sup>	Exhaust Airflow Rate cfm/ft <sup>2a</sup>
<b>Offices</b>				
Conference rooms	50	5	0.06	—
Kitchenettes <sup>k</sup>	—	—	—	0.30
Office spaces	5	5	0.06	—
Reception areas	30	5	0.06	—
Telephone/data entry	60	5	0.06	—
Main entry lobbies	10	5	0.06	—
<b>Private dwellings, single and multiple</b>				
Garages, common for multiple units <sup>b</sup>	—	—	—	0.75
((Garages, separate for each dwelling <sup>b</sup>	—	—	—	100 cfm per car))
Kitchens <sup>b</sup>	—	—	—	25/100 <sup>f</sup>
Living areas <sup>c</sup>	Based on the number of bedrooms. First bedroom, 2; each additional bedroom, 1	See Tables 403.8.1 and 403.8.5.1	—	—
Toilet rooms, bathrooms and laundry areas <sup>g, i</sup>	—	—	—	20/50 <sup>f</sup>
<b>Public spaces</b>				
<u>Corridors serving other than Group R occupancies</u>	—	—	0.06	—
<u>Corridors serving Group R dwelling or sleeping units with whole house exhaust system</u>	—	—	0.12	—
<u>Corridors serving Group R dwelling or sleeping units with other than whole house exhaust system</u>	—	—	0.06	—
<u>Courtrooms</u>	70	5	0.06	—
<u>Elevator car</u>	—	—	—	1
<u>Elevator lobbies in parking garage</u>	—	—	1.0	—
<u>Legislative chambers</u>	50	5	0.06	—
<u>Libraries</u>	10	5	0.12	—
<u>Museums (children's)</u>	40	7.5	0.12	—
<u>Museums/galleries</u>	40	7.5	0.06	—
<u>Places of religious worship</u>	120	5	0.06	—
<u>Shower room (per showerhead)<sup>g, k</sup></u>	—	—	—	—



Occupancy Classification	Occupant Density #/1000 ft <sup>2a</sup>	People Outdoor Airflow Rate in Breathing Zone R <sub>p</sub> cfm/Person	Area Outdoor Airflow Rate in Breathing Zone R <sub>a</sub> cfm/ft <sup>2a</sup>	Exhaust Airflow Rate cfm/ft <sup>2a</sup>
<u>Smoking lounges<sup>b</sup></u>	<u>70</u>	<u>60</u>	=	=
<u>Toilet rooms—Public<sup>g,k</sup></u>	=	=	=	<u>50/20<sup>f</sup></u>
<b>Sports and amusement</b>				
Disco/dance floors	100	20	0.06	—
Bowling alleys (seating areas)	40	10	0.12	—
Game arcades	20	7.5	0.18	—
Ice arenas, without combustion engines <sup>l</sup>	—	—	0.30	0.5
Gym, stadium, arena (play area) <sup>l</sup>	—	—	0.30	—
Spectator areas	150	7.5	0.06	—
Swimming pools (pool and deck area)	—	—	0.48	—
Health club/aerobics room	40	20	0.06	—
Health club/weight room	10	20	0.06	—
<b>Storage</b>				
Janitor closets, trash rooms, recycling rooms	—	—	—	1.0
Repair garages, enclosed parking garage <sup>b, d</sup>	—	—	—	0.75
Storage rooms, chemical	—	—	—	1.5
Warehouses	—	—	0.06	—
<b>Workrooms</b>				
<u>Bank vaults/safe deposit</u>	<u>5</u>	<u>5</u>	<u>0.06</u>	=
<u>Darkrooms</u>	=	=	=	<u>1.0</u>
<u>Copy, printing rooms</u>	<u>4</u>	<u>5</u>	<u>0.06</u>	<u>0.5</u>
<u>Freezer and refrigerated spaces (&lt;50°F)</u>	<u>0</u>	<u>10</u>	<u>0</u>	<u>0</u>
<u>Meat processing<sup>e</sup></u>	<u>10</u>	<u>15</u>	=	=
<u>Pharmacy (prep. area)</u>	<u>10</u>	<u>5</u>	<u>0.18</u>	=
<u>Photo studios</u>	<u>10</u>	<u>5</u>	<u>0.12</u>	=
<u>Computer (without printing)</u>	<u>4</u>	<u>5</u>	<u>0.06</u>	=

- For SI: 1 cubic foot per minute = 0.0004719 m<sup>3</sup>/s, 1 ton = 908 kg, 1 cubic foot per minutes per square foot = 0.00508 m<sup>3</sup>/(s·m<sup>2</sup>), °C = [(°F) -32]/1.8, 1 square foot = 0.0929 m<sup>2</sup>.
- Based upon *net occupiable floor area*.
  - Mechanical exhaust required and the recirculation of air from such spaces is prohibited. Recirculation of air that is contained completely within such spaces shall not be prohibited (see Section 403.2.1, Item 3).
  - Spaces unheated or maintained below 50°F are not covered by these requirements unless the occupancy is continuous.
  - Ventilation systems in enclosed parking garages shall comply with Section 404.
  - Rates are per water closet or urinal. The higher rate shall be provided where the exhaust system is designed to operate intermittently. The lower rate shall be permitted only where the exhaust system is designed to operate continuously while occupied.
  - Rates are per room unless otherwise indicated. The higher rate shall be provided where the exhaust system is designed to operate intermittently. The lower rate shall be permitted only where the exhaust system is designed to operate continuously while occupied.
  - Mechanical exhaust is required and recirculation is prohibited.

- For nail salons, each (~~nail station shall be provided with a source capture system capable of exhausting not less than 50 cfm per station~~) manicure and pedicure station shall be provided with a source capture system capable of exhausting not less than 50 cfm per station. Exhaust inlets shall be located in accordance with Section 502.20. Where one or more required source capture systems operate continuously during occupancy, the exhaust rate from such systems shall be permitted to be applied to the exhaust flow rate required by Table 403.3.1.1 for the nail salon.
  - A laundry area within a kitchen or bathroom is not required to have local exhaust. For the laundry area to qualify as being within the kitchen, the laundry room door must open directly into the kitchen and not into an adjacent corridor. Where there are doors that separate the laundry area from the kitchen or bathroom the door shall be louvered.
  - When combustion equipment is intended to be used on the playing surface, additional dilution ventilation and/or source control shall be provided.
  - Kitchenettes require exhaust when they contain a domestic cooking appliance range or oven that is installed in accordance with Table 507.2.2. Kitchenettes that only contain a microwave oven are not required to have mechanical exhaust. A kitchenette may not contain commercial cooking appliances that require Type I or Type II exhaust as these occupancies are required to be exhausted to the kitchen category in Table 403.1.1.

**403.3.2 Group R-2, R-3 and R-4 occupancies.** This section is not adopted. See Section 403.8.

**403.3.2.1 Outdoor air for dwelling units.** This section is not adopted.

**403.3.2.2 Outdoor air for other spaces.** This section is not adopted.

**403.3.2.3 Local exhaust.** This section is not adopted.

**403.8 Ventilation systems for Group R occupancies.** Each dwelling unit or sleeping unit shall be equipped with local exhaust and whole house ventilation systems and shall comply with Sections 403.8.1 through 403.8.11. All occupied

spaces, including public corridors (~~(and)~~), other than the Group R (~~(occupied spaces)~~) dwelling and sleeping unit, that support the Group R occupancy shall meet the ventilation requirements of Section 402 or Sections 403.1 to 403.7.

**403.8.1 Minimum ventilation performance.** Ventilation systems shall be designed and installed to satisfy the ventilation requirements of Table (~~(403.3)~~) 403.3.1.1 or Table 403.8.1. Breathing zone ventilation rates from Table (~~(403.3)~~) 403.3.1.1 shall be calculated per Section 403.3.1.1 and corrected per zone air distribution effectiveness requirements per Section 403.3.1.2.

**Table 403.8.1**  
**VENTILATION RATES FOR ALL GROUP R PRIVATE DWELLINGS, SINGLE AND MULTIPLE**  
**(CONTINUOUSLY OPERATING SYSTEMS)**

Floor Area (ft <sup>2</sup> )	Bedrooms <sup>1</sup>				
	0-1	2-3	4-5	6-7	( <del>(≥7)</del> ) ≥5
(<1500	30	45	60	75	90
1501-3000	45	60	75	90	105
3001-4500	60	75	90	105	120
4501-6000	75	90	105	120	135
6001-7500	90	105	120	135	150
>7500	105	120	135	150	165))
<500	30	40	45	55	60
500 - 1000	45	55	60	70	75
1001 - 1500	60	70	75	85	90
1501 - 2000	75	85	90	100	105
2001 - 2500	90	100	105	115	120
2501 - 3000	105	115	120	130	135
3001 - 3500	120	130	135	145	150
≥3500	135	145	150	160	165

<sup>1</sup>Ventilation rates in table are minimum outdoor airflow rates measured in cfm.

**403.8.2 Control and operation.**

1. Location of controls. Controls for all ventilation systems shall be readily accessible by the occupant.

2. Instructions. Operating instructions for whole house ventilation systems shall be provided to the occupant by the installer of the system.

3. Local exhaust ventilation systems. Local exhaust ventilation systems shall be controlled by manual switches, dehumidistats, timers, or other approved means.

4. Continuous whole house ventilation systems. Continuous whole house ventilation systems shall operate continuously(~~(- Exhaust fans, forced-air system fans, or supply fans shall be equipped with "fan on" as override controls)~~) and be equipped with an override control. A "fan on" switch shall be permitted as an override control. Controls shall be capable of operating the ventilation system without energizing other energy-consuming appliances. A clearly visible label shall be affixed to the controls that reads "Whole House Ventilation (see operating instructions)."

5. Intermittent whole house ventilation systems. Intermittent whole house ventilation systems shall comply with the following:

5.1 They shall be capable of operating intermittently and continuously.

5.2 They shall have controls capable of operating the exhaust fans, forced-air system fans, or supply fans without energizing other energy-consuming appliances.

5.3 The ventilation rate shall be adjusted according to the exception in Section 403.8.5.1.

5.4 The system shall be designed so that it can operate automatically based on the type of control timer installed.

5.5 The intermittent mechanical ventilation system shall operate at least one hour out of every four.

5.6 The system shall have a manual control and automatic control, such as a 24-hour clock timer.

5.7 At the time of final inspection, the automatic control shall be set to operate the whole house fan according to the schedule used to calculate the whole house fan sizing.

5.8 A label shall be affixed to the control that reads "Whole House Ventilation (see operating instructions)."

EXCEPTION: Engineered central ventilation systems serving dwelling units or sleeping units are not required to have individual controls for each dwelling unit or sleeping unit when designed for continuous operation and approved by the code official.

**403.8.3 Outdoor air intake locations.** *Outdoor air* intakes shall be classified as either operable openings or mechanical air intakes and shall be located per the following criteria. The intake locations for operable openings and mechanical air intakes shall comply with the following:

1. Openings for mechanical air intakes shall comply with Section 401.4. Operable openings shall comply with Section 401.4 items 2 and 4 only.
2. Intake openings shall not be located closer than 10 feet from an appliance vent outlet unless such vent outlet is 3 feet above the *outdoor air* inlet. The vent shall be permitted to be closer if specifically allowed by Chapter 8 or by the International Fuel Gas Code.
3. Intake openings shall be located where they will not pick up objectionable odors, fumes, or flammable vapors.
4. Intake openings shall be located where they will not take air from a hazardous or unsanitary location.
5. Intake openings shall be located where they will not take air from a room or space having a fuel-burning appliances.
6. Intake openings shall not be located closer than 10 feet from a vent opening of a plumbing drainage system unless the vent opening is at least 3 feet above the air inlet.
7. Intake openings shall not be located where they will take air from an attic, crawl space, or garage.

8. Intake openings shall not be located on asphalt roofs unless it is shown that no other location is permissible. In such cases, the inlet opening shall be located a minimum of 2 feet from the nearest surface of the asphalt roofing, measured from the intake opening.

**403.8.4 Local exhaust ventilation requirements.** Local exhaust ventilation systems shall exhaust at least the volume of air required for exhaust in Table ((403.3)) 403.3.1.1. Exhaust shall be provided in each kitchen, bathroom, water closet, laundry area, indoor swimming pool, spa, and other room where water vapor or cooking odor is produced.

**403.8.4.1 Local exhaust systems.** Exhaust systems shall be designed and installed to meet all of the criteria below:

1. Local exhaust shall be discharged outdoors.
2. Exhaust outlets shall comply with Section 501.3.
3. Pressure equalization shall comply with Section 501.4.

4. Exhaust ducts in systems which are designed to operate intermittently shall be equipped with back-draft dampers.

5. All exhaust ducts in unconditioned spaces shall be insulated to a minimum of R-4.

6. Terminal outlet elements shall have at least the equivalent net free area of the ductwork.

7. Terminal outlet elements shall be screened or otherwise protected as required by Section 501.3.2.

8. Exhaust fans in separate dwelling units or sleeping units shall not share common exhaust ducts unless the system is engineered for this operation.

9. Where permitted by Chapter 5, multiple local exhaust ducts may be combined. If more than one of the exhaust fans in a dwelling unit or sleeping unit shares a common exhaust duct then each exhaust fan shall be equipped with a back-draft damper to prevent the recirculation of exhaust air from one room to another room via the exhaust ducting system.

**403.8.4.2 Local exhaust fans.** Exhaust fan construction and sizing shall meet the following criteria.

1. Exhaust fans shall be tested and rated in accordance with the airflow and sound rating procedures of the Home Ventilating Institute (HVI 915, HVI Loudness Testing and Rating Procedure, HVI 916, HVI Airflow Test Procedure, and HVI 920, HVI Product Performance Certification Procedure).

EXCEPTION: Where a range hood or down draft exhaust fan is used for local exhaust for a kitchen, the device is not required to be rated per these standards.

2. Installation of the system or equipment shall be carried out in accordance with manufacturers' installation instructions.

3. Fan airflow rating and duct system shall be designed and installed to deliver at least the exhaust airflow required by Table ((403.3)) 403.3.1.1. The airflows required refer to the delivered airflow of the system as installed and tested using a flow hood, flow grid, or other airflow measurement device.

- EXCEPTIONS:
1. An exhaust airflow rating at a pressure of 0.25 in. w.g. may be used, provided the duct sizing meets the prescriptive requirements of Table 403.8.4.2.
  2. Where a range hood or down draft exhaust fan is used to satisfy the local exhaust requirements for kitchens, the range hood or down draft exhaust shall not be less than 100 cfm at 0.10 in. w.g.

**TABLE 403.8.4.2  
PRESCRIPTIVE EXHAUST DUCT SIZING**

Fan Tested cfm at 0.25 inches w.g.	Minimum Flex Diameter	Maximum Length in Feet	Minimum Smooth Diameter	Maximum Length in Feet	Maximum Elbows <sup>1</sup>
50	4 inches	25	4 inches	70	3
50	5 inches	90	5 inches	100	3
50	6 inches	No Limit	6 inches	No Limit	3
80	4 inches <sup>2</sup>	NA	4 inches	20	3
80	5 inches	15	5 inches	100	3
80	6 inches	90	6 inches	No Limit	3
100	5 inches <sup>2</sup>	NA	5 inches	50	3
100	6 inches	45	6 inches	No Limit	3

Fan Tested cfm at 0.25 inches w.g.	Minimum Flex Diameter	Maximum Length in Feet	Minimum Smooth Diameter	Maximum Length in Feet	Maximum Elbows <sup>1</sup>
125	6 inches	15	6 inches	No Limit	3
125	7 inches	70	7 inches	No Limit	3

1. For each additional elbow, subtract 10 feet from length.
2. Flex ducts of this diameter are not permitted with fans of this size.

**403.8.5 Whole house ventilation requirements.** Each dwelling unit or sleeping unit shall be equipped with one of the following four types of mechanical whole house ventilation systems: A system using exhaust fans (see Section 403.8.6); a system integrated with forced-air systems (see Section 403.8.7); a system using supply fans (see Section 403.8.8); or a heat or energy recovery ventilation system (see Section 403.8.9). The whole house exhaust system is permitted to be one of the local exhaust systems required by Section 403.8.4 as long as the requirements of this section, in addition to the requirements of Section 403.8.5, are met.

**EXCEPTION:** Additions, alterations, renovations or repairs to a mechanical system that is part of a building addition with less than 500 square feet of conditioned floor area are exempt from the requirements for whole house ventilation systems. Section 403.8.5.

**403.8.5.1 Outdoor air.** *Outdoor air* shall be distributed to each habitable space.

Where *outdoor air* supply intakes are separated from exhaust vents by doors, means shall be provided to ensure airflow to all separated habitable spaces by installing distribution ducts, installed grilles, transoms, doors undercut to a minimum of 1/2-inch above the surface of the finish floor covering, or other similar means where permitted by the *International Building Code*.

The mechanical system shall operate continuously to supply at least the volume of *outdoor air* required in Table ~~((403.3))~~ 403.3.1.1 or Table 403.8.1.

**EXCEPTION:** Intermittently operating ventilation systems: The whole house mechanical ventilation system is permitted to operate intermittently where the system has controls that enable operation for not less than 25 percent of each 4-hour segment and the ventilation rate prescribed in Table ~~((403.3))~~ 403.3.1.1 or Table 403.8.1 is multiplied by the factor determined in accordance with Table 403.8.5.1.

**TABLE 403.8.5.1**  
**INTERMITTENT WHOLE HOUSE MECHANICAL VENTILATION RATE FACTORS<sup>a, b</sup>**

RUN-TIME PERCENTAGE IN EACH 4-HOUR SEGMENT	25%	33%	50%	66%	75%	100%
Factor <sup>a</sup>	4	3	2	1.5	1.3	1.0

<sup>a</sup> For ventilation system run-time values between those given, the factors are permitted to be determined by interpolation.

<sup>b</sup> Extrapolation beyond the table is prohibited.

**403.8.5.2 Whole house supply system general requirements.** Whole house ventilation systems integrated with a forced-air system, systems using supply fans and systems using a heat or energy recovery ventilation system shall comply with the following.

1. *Outdoor air* louvers shall be adequately sized for the required airflow and shall comply with Section 401.5. *Outdoor air* intake locations shall comply with mechanical air intakes requirements of Section 403.8.3.

2. *Outdoor air* ducts for dedicated or central supply systems and exhaust ducts for heat or energy recovery systems shall be provided with a means for balancing the system to the required airflow via balance dampers or other devices.

3. *Outdoor air* ducts for dedicated or central systems shall be provided with motorized dampers.

**EXCEPTIONS:**

1. *Outdoor air* ducts at heat or energy recovery ventilation systems are not required to have motorized dampers.
2. *Outdoor air* ducts at continuous ventilation systems are not required to have motorized dampers.

4. *Outdoor air* ducts in the conditioned space shall be insulated to a minimum of R-4. In heat or energy recovery ventilation systems, ducts upstream of the heat exchanger shall also be insulated to at least R-4.

5. All *outdoor air* ducts shall be designed and installed to deliver at least the outdoor airflow required by Section

403.8.5.1. The airflows required refer to the delivered airflow of the system as installed and tested using a flow hood, flow grid, or other airflow measurement device.

**EXCEPTION:** The *outdoor air* duct for supply fan systems and heat or energy recovery systems may be prescriptively sized per Table 403.8.5.2 for dedicated *outdoor air* ducts upstream of the supply fan. Supply fans shall have the capacity to provide the amount of *outdoor air* required by Section 403.8.5.1 at 0.40 in. w.g. as per HVI 916 (April 1995). When prescriptively sized the system shall be tested and balanced using a flow hood, flow-grid, or other airflow measurement device.

6. Whole house ventilation controls for intermittent operation shall allow concurrent operation of the forced-air fan and the associated outdoor air motorized damper.

7. Whole house ventilation controls for continuous operation shall be provided at the forced-air fan.

**EXCEPTION:** Engineered central ventilation systems serving dwelling units or sleeping units are not required to have individual controls for each dwelling or sleeping unit when designed for continuous operation and approved by the code official.

**TABLE 403.8.5.2  
PRESCRIPTIVE SUPPLY FAN DUCT SIZING**

Supply Fan Tested cfm at 0.40" w.g.		
Specified Volume from Table 408.1	Minimum Smooth Duct Diameter	Minimum Flexible Duct Diameter
50 - 90 cfm	4 inch	5 inch
90 - 150 cfm	5 inch	6 inch
150 - 250 cfm	6 inch	7 inch
250 - 400 cfm	7 inch	8 inch

**403.8.6 Whole house ventilation with exhaust fan systems.** This section establishes minimum requirements for mechanical whole house ventilation systems using exhaust fans.

**403.8.6.1 Outdoor air.** Exhaust fan only ventilation systems shall provide *outdoor air* to each occupiable space through one of the following methods:

1. *Outdoor air* may be drawn through air inlets installed in exterior walls or windows. The air inlets shall comply with all of the following:

1.1. Inlets shall have controllable, secure openings and shall be designed to not compromise the thermal properties of the building envelope.

1.2. Inlets shall be accessible to occupants, including compliance with Section 1109.13 of the *International Building Code* for designated accessible units, Type A units and Type B units.

1.3. Inlets shall be screened or otherwise protected from entry by insects, leaves, or other material.

1.4. Inlets shall provide not less than 4 square inches of net free area of opening for each 10 cfm of *outdoor air* required in Table ((403.3)) 403.3.1.1 or Table 403.8.1.

1.5. Any inlet or combination of inlets which provide 10 cfm at 10 Pascals as determined by the Home Ventilation Institute Air Flow Test Standard (HVI 901 (November 1996)) are deemed equivalent to 4 square inches of net free area.

1.6. Each occupiable space shall have a minimum of one air inlet that has a minimum of 4 square inches of net free area.

2. ((In high-rise buildings,)) *Outdoor air* may be drawn in through ((operable windows, doors, louvers or other)) operable openings to the outdoors. ((Exterior spaces shall have a minimum openable area of 4 percent of the total floor area being ventilated.)) Each habitable space shall be provided with operable openings with an openable area of not less than 4 square inches of net free area of opening for each 10 cfm of outdoor air required by Table 403.3.1.1 or Table 403.8.1. Doors exiting to a corridor, court or public way shall not be used to provide *outdoor air*. The operable openings shall comply with the following:

2.1. Openings shall be controllable, securable, and shall be designed to not compromise the thermal properties of the building envelope.

2.2. Openings shall be accessible to occupants, including compliance with Section 1109.13 of the *International Building Code* for designated accessible units, Type A units and Type B units.

2.3 Openings shall be screened or otherwise protected from entry by leaves or other material.

3. For interior adjoining spaces without *outdoor air* openings, one of the following two options shall be used to ventilate the interior adjoining space:

3.1. Provide a whole house transfer fan at the interior adjoining space sized to provide a minimum of the ventilation rate required per Section 403.8.5.1. The transfer fan shall circulate air between the interior room or space and the adjacent habitable space. The transfer fan may operate continuously or intermittently using controls per Section 403.8.2.

3.2. Provide a permanent opening to the interior adjoining space. Opening shall be unobstructed and shall have an area of not less than 8 percent of the floor area of the interior adjoining space, but not less than 25 square feet.

**403.8.6.2 Outside air intake locations.** All *outside air* intake opening types described in Section 403.8.6.1 shall be classified operable openings and shall not be classified as mechanical air intakes. The intake locations shall comply with Section 403.8.3.

**403.8.6.3 Whole house exhaust system.** Whole house exhaust system shall be designed and installed to meet all of the applicable criteria below:

1. Whole house ventilation exhaust shall be discharged outdoors.

2. Exhaust outlets shall comply with Section 501.2.

3. Exhaust ducts in systems which are designed to operate intermittently shall be equipped with back-draft dampers.

4. All exhaust ducts in unconditioned spaces shall be insulated to a minimum of R-4.5. Terminal outlet elements shall have at least the equivalent net free area of the ductwork.

5. Terminal outlet elements shall be screened or otherwise protected as required by Section 501.2.2.

6. One of the required local exhaust fans for the laundry room or bathroom may be designated as the whole house exhaust fan.

7. Exhaust fans in separate dwelling units or sleeping units shall not share common exhaust ducts unless the system is engineered for this operation.

8. Where permitted by Chapter 5 whole house exhaust ducts may be combined with other local exhaust ducts. If more than one of the exhaust fans in a dwelling unit or sleeping unit shares a common exhaust duct then each exhaust fan shall be equipped with a back-draft damper to prevent the recirculation of exhaust air from one room to another room via the exhaust ducting system.

**403.8.6.4 Whole house exhaust and transfer fans.** Exhaust fan construction and sizing shall meet the following criteria.

1. Exhaust and transfer fans shall be tested and rated in accordance with the airflow and sound rating procedures of the Home Ventilating Institute (HVI 915, HVI Loudness Testing and Rating Procedure, HVI 916, HVI Airflow Test Procedure, and HVI 920, HVI Product Performance Certification Procedure).

2. Installation of system or equipment shall be carried out in accordance with manufacturers' design requirements and installation instructions.

3. Fan airflow rating and duct system shall be designed and installed to deliver at least the outdoor airflow required by Table ((403.3)) 403.3.1.1 or Table 403.8.1. The airflows

required refer to the delivered airflow of the system as installed and tested using a flow hood, flow grid, or other airflow measurement device.

EXCEPTION: An airflow rating at a pressure of 0.25 in. w.g. may be used, provided the duct sizing meets the prescriptive requirements of Table 403.8.5.2.

**403.8.6.5 Fan noise.** Whole house exhaust and transfer fans located 4 feet or less from the interior grille shall have a sone rating of 1.0 or less measured at 0.10 inches water gauge. Manufacturer's noise ratings shall be determined as per HVI 915. Remotely mounted fans shall be acoustically isolated from the structural elements of the building and from attached ductwork using insulated flexible duct or other approved material.

**403.8.7 Whole house ventilation integrated with forced-air systems.** This section establishes minimum requirements for mechanical whole house ventilation systems using forced-air system fans.

**403.8.7.1 Outdoor air.** Forced-air system fan ventilation systems shall provide *outdoor air* through one of the following methods:

1. A dedicated *outdoor air* louver and *outdoor air* duct for each dwelling unit or sleeping unit shall supply *outdoor air* to the return side of the forced-air system fan; or

2. A central *outdoor air* delivery system that supplies multiple dwelling units or sleeping units shall supply *outdoor air* to the return side of the forced air system fan.

3. For interior adjoining spaces without *outdoor air* openings, one of the following two options shall be used to ventilate the interior adjoining space:

3.1. Provide a whole house transfer fan at the interior adjoining space sized to provide a minimum of the ventilation rate required per Section 403.8.5.1. The transfer fan shall circulate air between the interior room or space and the adjacent habitable space. The transfer fan may operate continuously or intermittently using controls per Section 403.8.2.

3.2. Provide a permanent opening to the interior adjoining space. Opening shall be unobstructed and shall have an area of not less than 8 percent of the floor area of the interior adjoining space, but not less than 25 square feet.

**403.8.7.2 Whole house forced-air system.** Where *outdoor air* is provided to each habitable dwelling unit or sleeping unit by a forced-air system, the *outdoor air* duct shall be connected to the return air stream at a point within 4 feet upstream of the forced-air unit. It shall not be connected directly to the forced-air unit cabinet in order to prevent thermal shock to the heat exchanger. At a minimum, filtration of the *outdoor air* shall be provided at the forced-air unit. The filter shall be accessible for regular maintenance and replacement. The filter shall have a Minimum Efficiency Rating Value (MERV) of at least 6.

Each habitable space in the dwelling or sleeping unit shall be served by a forced-air system with outdoor air connection.

**403.8.8 Whole house ventilation with supply fan systems.** This section establishes minimum requirements for mechanical whole house ventilation systems using supply fan systems.

**403.8.8.1 Outdoor air.** Supply fan ventilation systems shall provide *outdoor air* through one of the following methods:

1. A dedicated *outdoor air* louver and *outdoor air* duct for each dwelling unit or sleeping unit shall supply *outdoor air* to a supply fan; or

2. A central *outdoor air* supply fan system shall distribute unconditioned or conditioned air to multiple dwelling units or sleeping units.

3. For interior adjoining spaces without *outdoor air* openings, one of the following two options shall be used to ventilate the interior adjoining space:

3.1. Provide a whole house transfer fan at the interior adjoining space sized to provide a minimum of the ventilation rate required per Section 403.8.5.1. The transfer fan shall circulate air between the interior room or space and the adjacent habitable space. The transfer fan may operate continuously or intermittently using controls per Section 403.8.2.

3.2. Provide a permanent opening to the interior adjoining space. Opening shall be unobstructed and shall have an area of not less than 8 percent of the floor area of the interior adjoining space, but not less than 25 square feet.

**403.8.8.2 Whole house supply system.** Where *outdoor air* is provided to each habitable dwelling unit or sleeping unit by supply fan systems the *outdoor air* shall be filtered.

The system filter may be located at the intake device or inline with the fan. The filter shall be accessible for regular maintenance and replacement. The filter shall have a Minimum Efficiency Rating Value (MERV) of at least 6.

**403.8.9 Whole house ventilation with heat recovery or energy recovery ventilation systems.** This section establishes minimum requirements for mechanical whole house ventilation systems using heat recovery or energy recovery ventilation systems.

**403.8.9.1 Outdoor air.** Heat recovery or energy recovery ventilation systems shall provide *outdoor air* through one of the following methods:

1. A dedicated *outdoor air* louver and *outdoor air* duct for each dwelling unit or sleeping unit shall supply *outdoor air* to the heat recovery or energy recovery ventilator; or

2. A central *outdoor air* heat recovery or energy recovery unit shall distribute conditioned air to multiple dwelling units or sleeping units.

3. For interior adjoining spaces without *outdoor air* openings, one of the following two options shall be used to ventilate the interior adjoining space:

3.1. Provide a whole house transfer fan at the interior adjoining space sized to provide a minimum of the ventilation rate required per Section 403.8.5.1. The transfer fan shall circulate air between the interior room or space and the adjacent habitable space. The transfer fan may operate continuously or intermittently using controls per Section 403.8.2.

3.2. Provide a permanent opening to the interior adjoining space. Opening shall be unobstructed and shall have an area of not less than 8 percent of the floor area of the interior adjoining space, but not less than 25 square feet.

**403.8.9.2 Whole house heat recovery ventilator system.** Where *outdoor air* is provided to each habitable dwelling unit or sleeping unit by heat recovery or energy recovery ven-

tilator the *outdoor air* shall be filtered. The filter shall be located on the upstream side of the heat exchanger in both the intake and exhaust airstreams with a Minimum Efficiency Rating Value (MERV) of at least 6. The system filter may be located at the intake device or inline with the fan. The filter shall be accessible for regular maintenance and replacement.

Each habitable space in the dwelling or sleeping unit shall be served by a heat recovery ventilator with outdoor air connection.

**403.8.10 Local exhaust ventilation and whole house ventilation alternate performance or design requirements.** In lieu of complying with Sections 403.8.4 or 403.8.5 compliance with the section shall be demonstrated through engineering calculations by an engineer licensed to practice in the state of Washington or by performance testing. Documentation of calculations or performance test results shall be submitted to and approved by the building official. Performance testing shall be conducted in accordance with approved test methods.

**403.8.11 Alternate systems.** When approved by the code official, systems designed in accordance with ASHRAE Standard 62.2 shall be permitted.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

#### **WAC 51-52-0407 Section 407—Ambulatory care facilities and Group I-2 occupancies.**

**407.1 General.** Mechanical ventilation for health care facilities licensed by Washington state shall be designed and installed in accordance with this code and the following provisions of the Washington Administrative Code (WAC):

1. Mechanical ventilation in ambulatory care facilities shall comply with chapter 246-330 WAC.
2. Mechanical ventilation for acute care hospitals shall comply with chapter 246-320 WAC.
3. Mechanical ventilation for nursing homes shall comply with chapter 388-97 WAC.

Mechanical ventilation for unlicensed ambulatory care facilities shall be designed and installed in accordance with this code and ASHRAE 170.

AMENDATORY SECTION (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

#### **WAC 51-52-0504 Section 504—Clothes dryer exhaust.**

~~((504.6.4.1 Specified length. The maximum length of the exhaust duct shall be 35 feet (10668 mm) from the connection to the transition duct from the dryer to the outlet terminal. Where fittings are used, the maximum length of the exhaust duct shall be reduced in accordance with Table 504.6.4.1.~~

The maximum length of the duct may be increased in an engineered exhaust system when a listed and labeled exhaust

~~booster fan is installed in accordance with the manufacturer's installation instructions.~~

~~504.7.1 Protection required. Protective shield plates shall be provided in accordance with Section 504.6.7.~~

~~504.8)) 504.4 Exhaust installation. Dryer exhaust ducts for clothes dryers shall terminate on the outside of the building and shall be equipped with a backdraft damper located where the duct terminates. Dryer exhaust ducts may terminate at exterior wall louvers with openings spaced not less than 1/2-inch in any direction.~~

~~Screens shall not be installed at the duct termination. Ducts shall not be connected or installed with sheet metal screws or other fasteners that will obstruct the exhaust flow. Clothes dryer exhaust ducts shall not be connected to a vent connector, vent or chimney. Clothes dryer exhaust ducts shall not extend into or through ducts or plenums.~~

~~Domestic dryer exhaust ducts may terminate at a common location where each duct has an independent back-draft damper.~~

**504.10 Common exhaust systems for clothes dryers located in multistory structures.** Where a common multistory duct system is designed and installed to convey exhaust from multiple clothes dryers, the construction of the system shall be in accordance with all of the following:

1. The shaft in which the duct is installed shall be constructed and fire-resistance rated as required by the *International Building Code*.
2. Dampers shall be prohibited in the exhaust duct. Penetrations of the shaft and ductwork shall be protected in accordance with Section 607.5.5, Exception 2.
3. Rigid metal ductwork shall be installed within the shaft to convey the exhaust. The ductwork shall be constructed of sheet steel having a minimum thickness of 0.0187 inch (0.4712 mm) (No. 26 gage) and in accordance with *SMACNA Duct Construction Standards*.
4. The ductwork within the shaft shall be designed and installed without offsets.
5. The exhaust fan motor design shall be in accordance with Section 503.2.
6. The exhaust fan motor shall be located outside of the airstream.
7. The exhaust fan shall run continuously, and shall be connected to a standby power source.
8. Exhaust fan operation shall be monitored in an *approved* location and shall initiate an audible or visual signal when the fan is not in operation.
9. Makeup air shall be provided for the exhaust system to maintain the minimum flow for the exhaust fan when the dryers are not operating. Additionally, makeup air shall be provided when required by Section 504.5.
10. A cleanout opening shall be located at the base of the shaft to provide *access* to the duct to allow for cleaning and inspection. The finished opening shall be not less than 12 inches by 12 inches (305 mm by 305 mm).
11. Screens shall not be installed at the termination.
12. The common multistory duct system shall serve only clothes dryers and shall be independent of other exhaust systems.

AMENDATORY SECTION (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

**WAC 51-52-0505 Section 505—Domestic kitchen exhaust equipment.**

**505.1 Domestic systems.** Where domestic range hoods and domestic appliances equipped with downdraft exhaust are ~~((located within dwelling units))~~ provided, such hoods and appliances shall discharge to the outdoors through sheet metal ducts constructed of galvanized steel, stainless steel, aluminum or copper. Such ducts shall have smooth inner walls, shall be air tight, shall be equipped with a backdraft damper and shall be independent of all other exhaust systems.

Domestic kitchen exhaust ducts may terminate with other domestic dryer exhaust and residential local exhaust ducts at a common location where each duct has an independent back-draft damper.

Listed and labeled exhaust booster fans shall be permitted when installed in accordance with the manufacturer's installation instructions.

- EXCEPTIONS:
1. In other than Group I-1 and I-2, where installed in accordance with the manufacturer's installation instructions and where mechanical ventilation is otherwise provided in accordance with Chapter 4, listed and labeled ductless range hoods shall not be required to discharge to the outdoors.
  2. Ducts for domestic kitchen cooking appliances equipped with downdraft exhaust systems shall be permitted to be constructed of Schedule 40 PVC pipe and fittings provided that the installation complies with all of the following:
    - 2.1. The duct shall be installed under a concrete slab poured on grade.
    - 2.2. The underfloor trench in which the duct is installed shall be completely backfilled with sand or gravel.
    - 2.3. The PVC duct shall extend not more than 1 inch (25 mm) above the indoor concrete floor surface.
    - 2.4. The PVC duct shall extend not more than 1 inch (25 mm) above grade outside of the building.
    - 2.5. The PVC ducts shall be solvent cemented.

AMENDATORY SECTION (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

**WAC 51-52-0506 Section 506—Commercial kitchen hood ventilation system ducts and exhaust equipment.**

**506.3.9 Grease duct cleanout location, spacing and installation.**

**506.3.9.1 Grease duct horizontal cleanout.** Cleanouts located on horizontal sections of ducts shall:

1. Be spaced not more than 20 feet (6096 mm) apart.
2. Be located not more than 10 feet (3048 mm) from changes in direction that are greater than 45 degrees (0.79 rad).
3. Be located on the bottom only where other locations are not available and shall be provided with internal damping of the opening such that grease will flow past the opening without pooling. Bottom cleanouts and openings shall be approved for the application and installed liquid-tight.
4. Not be closer than 1 inch (25.4 mm) from the edges of the duct.

5. Have dimensions of not less than 12 inches by 12 inches (305 mm by 305 mm). Where such dimensions preclude installation, the openings shall be not less than 12 inches (305 mm) on one side and shall be large enough to provide access for cleaning and maintenance.

6. Shall be located at grease reservoirs.

**506.3.9.2 Grease duct vertical cleanouts.** Where ducts pass vertically through floors, cleanouts shall be provided. A minimum of one cleanout shall be provided on each floor. Cleanout openings shall be not less than 1 1/2 inches (38 mm) from all outside edges of the duct or welded seams.

**506.3.11 Grease duct enclosures.** A commercial kitchen grease duct serving a Type I hood that penetrates a ceiling, wall, floor or any concealed spaces shall be enclosed from the point of penetration to the outlet terminal. In-line exhaust fans not located outdoors shall be enclosed as required for grease ducts. A duct shall penetrate exterior walls only at locations where unprotected openings are permitted by the *International Building Code*. The duct enclosure shall serve a single grease duct and shall not contain other ducts, piping or wiring systems. Duct enclosures shall be ~~((either))~~ a shaft enclosure in accordance with Section 506.3.11.1, a field-applied enclosure assembly in accordance with Section 506.3.11.2 or a factory-built enclosure assembly in accordance with Section 506.3.11.3. Duct enclosures shall have a fire-resistance rating of not less than that of the assembly penetrated. The duct enclosure need not exceed 2 hours but shall not be less than 1 hour. ~~((Duct enclosures shall be as prescribed by Section 506.3.11.1, 506.3.11.2 or 506.3.11.3.))~~ Fire dampers and smoke dampers shall not be installed in grease ducts.

EXCEPTION: A duct enclosure shall not be required for a grease duct that penetrates only a nonfire-resistance-rated roof/ceiling assembly.

AMENDATORY SECTION (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

**WAC 51-52-0507 Section 507—Commercial kitchen hoods.**

~~((507.2.1 Type I hoods. Type I hoods shall be installed where cooking appliances produce grease or smoke. Type I hoods shall be installed over medium-duty, heavy-duty and extra-heavy-duty cooking appliances. Type I hoods shall be installed over light-duty cooking appliances that produce grease or smoke.~~

- EXCEPTIONS:
1. A Type I hood shall not be required for an electric cooking appliance where an approved testing agency provides documentation that the appliance effluent contains 5 mg/m<sup>3</sup> or less of grease when tested at an exhaust flow rate of 500 cfm in accordance with Section 17 of UL 710B.
  2. A Type I hood shall not be required in an R-2 type occupancy with not more than 16 residents.

~~507.2.3))~~ **507.1.2 Domestic cooking appliances used for commercial purposes.** Domestic cooking appliances utilized for commercial purposes shall be provided with Type I, Type II or residential hoods as required for the type of appliances and processes in accordance with Table ~~((507.2.2))~~



507.1.2 and Sections 507.2(~~(, 507.2.1 and 507.2.2.)~~) and 507.3. Domestic cooking appliances utilized for domestic purposes shall comply with Section 505.

**TABLE (~~(507.2.2)~~) 507.1.2  
TYPE OF HOOD REQUIRED FOR DOMESTIC COOKING APPLIANCES  
IN THE FOLLOWING SPACES<sup>a, b</sup>**

Type of Space	Type of Cooking	Type of Hood
Church	1. Boiling, steaming and warming precooked food	Type II hood
	2. Roasting, pan frying and deep frying	Type I hood
Community or party room in apartment and condominium	1. Boiling, steaming and warming precooked food	Residential hood <sup>c</sup> or Type II hood <sup>d</sup>
	2. Roasting, pan frying and deep frying	Type I hood
Day care	1. Boiling, steaming and warming precooked food	Residential hood <sup>c</sup> or Type II hood <sup>d</sup>
	2. Roasting, pan frying and deep frying	Type I hood
Dormitory, boarding home, nursing home	1. Boiling, steaming and warming precooked food	Type II hood
	2. Roasting, pan frying and deep frying	Type I hood
Office lunch room	1. Boiling, steaming and warming precooked food	Residential hood <sup>c</sup> or Type II hood <sup>d</sup>
	2. Roasting, pan frying and deep frying	Type I hood

<sup>a</sup> Commercial cooking appliances shall comply with Section 507.2.

<sup>b</sup> Requirements in this table apply to electric or gas fuel appliances only. Solid fuel appliances or charbroilers require Type I hoods.

<sup>c</sup> Residential hood shall ventilate to the outside.

<sup>d</sup> Type II hood required when more than one appliance is used.

**507.2 Type I hoods.** Type I hoods shall be installed where cooking appliances produce grease or smoke as a result of the cooking process. Type I hoods shall be installed over medium-duty, heavy-duty and extra-heavy-duty cooking appliances.

EXCEPTIONS: 1. A Type I hood shall not be required for an electric cooking appliance where an approved testing agency provides documentation that the appliance effluent contains 5 mg/m<sup>3</sup> or less of grease when tested at an exhaust flow rate of 500 cfm in accordance with Section 17 of UL 710B.  
2. A Type I hood shall not be required in an R-2 type occupancy with not more than 16 residents.

**NEW SECTION**

**WAC 51-52-0515 Section 515—Waste or linen chute venting.**

**515.1 General.** Waste or linen chutes shall be gravity vented per NFPA 82.

EXCEPTION: Waste or linen chutes may be mechanically ventilated by an exhaust fan. The exhaust fan shall be located outside the building at the top of the chute.

**AMENDATORY SECTION** (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

**WAC 51-52-0601 Section 601—General.**

**601.2 Air movement in egress elements.** Corridors shall not serve as supply, return, exhaust, relief or ventilation air ducts.

EXCEPTIONS:

1. Use of a corridor as a source of makeup air for exhaust systems in rooms that open directly onto such corridors, including toilet rooms, bathrooms, dressing rooms, smoking lounges and janitor closets, shall be permitted provided that each such corridor is directly supplied with outdoor air at a rate greater than the rate of makeup air taken from the corridor.
2. Where located within a dwelling unit, the use of corridors for conveying return air shall not be prohibited.
3. Where located within tenant spaces of one thousand square feet (93 m<sup>2</sup>) or less in area, utilization of corridors for conveying return air is permitted.
4. Incidental air movement from pressurized rooms within health care facilities, provided that the corridor is not the primary source of supply or return to the room.
5. Where such air is part of an engineered smoke control system.
6. Air supplied to corridors serving residential occupancies shall not be considered as providing ventilation air to the dwelling units and sleeping units subject to the following:
  - 6.1 The air supplied to the corridor is one hundred percent outside air; and
  - 6.2 The units served by the corridor have conforming ventilation air independent of the air supplied to the corridor; and
  - 6.3 For other than high-rise buildings, the supply fan will automatically shut off upon activation of corridor smoke detectors which shall be spaced at no more than thirty feet (9,144 mm) on center along the corridor; or
  - 6.4 For high-rise buildings, corridor smoke detector activation will close required smoke/fire dampers at the supply inlet to the corridor at the floor receiving the alarm.

NEW SECTION**WAC 51-52-0602 Section 602—Duct construction and installation.**

**602.1 General.** Supply, return, exhaust, relief and ventilation air plenums shall be limited to uninhabited crawl spaces, areas above a ceiling or below the floor, attic spaces and mechanical equipment rooms. Plenums shall be limited to one fire area. Air systems that serve multiple fire areas shall be ducted from the boundary of the fire area served directly to the air-handling equipment. Fuel-fired appliances shall not be installed within a plenum.

AMENDATORY SECTION (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

**WAC 51-52-0605 Section 605—Air filters.**

**605.1 General.** Heating and air-conditioning systems shall be provided with approved air filters. Filters shall be installed such that all return air, outdoor air and makeup air is filtered upstream from any heat exchanger or coil. Filters shall be installed in an approved convenient location. Liquid adhesive coatings used on filters shall have a flash point not lower than 325°F (163°C).

EXCEPTION: Chilled beams that are designed to operate above the space dew point temperature do not require filtration at the terminal device.

**605.4 Particulate matter removal.** Particulate matter filters or air cleaners having a minimum efficiency reporting value (MERV) of not less than 6 for ducted air handlers and not less than 4 for ~~((unducted air handlers))~~ ductless mini-split systems shall be provided upstream of all cooling coils or other devices with wetted surfaces through which air is supplied to an occupiable space.

AMENDATORY SECTION (Amending WSR 10-03-099, filed 1/20/10, effective 7/1/10)

**WAC 51-52-0606 Section 606—Smoke detection systems control.**

**606.2.1 Return air systems.** Smoke detectors shall be installed in return air systems with a design capacity greater than 2,000 cfm (0.9 m<sup>3</sup>/s), in the return air duct or plenum upstream of any filters, exhaust air connections, outdoor air connections, or decontamination equipment and appliances.

EXCEPTIONS:

1. Smoke detectors are not required in the return air system where all portions of the building served by the air distribution system are protected by area smoke detectors connected to a fire alarm system in accordance with the International Fire Code. The area smoke detection system shall comply with Section 606.4.
2. Smoke detectors are not required in the air system where all of the air is exhausted and not recirculated back to any portion of the building. Additionally, smoke detectors are not required in the supply system that provides the make-up air for the exhaust system.

**606.2.2 Common supply and return air systems.** Where multiple air-handling systems share common supply or return air ducts or plenums with a combined design capacity greater than 2,000 cfm (0.9 m<sup>3</sup>/s), the return air system shall be pro-

vided with smoke detectors in accordance with Section 606.2.1.

EXCEPTION: Individual smoke detectors shall not be required for each fan-powered terminal unit, provided that such units do not have an individual design capacity greater than 2,000 cfm (0.9 m<sup>3</sup>/s) and will be shut down by activation of one of the following:

1. Smoke detectors required by Sections 606.2.1 and 606.2.3.
2. An approved area smoke detector system located in the return air plenum serving such units.
3. An area smoke detector system as prescribed in the exception to Section 606.2.1.

In all cases, the smoke detectors shall comply with Sections 606.4 and 606.4.1.

The shut down of fan-powered terminal units may be performed by a building automation system upon activation of smoke detection as described in Section 606.2.2, Exception Items 1, 2, or 3. The building automation system is not required to be listed as a smoke control system and is not required to comply with UL Standard 864: Standard for Control Units and Accessories for Fire Alarm Systems.

AMENDATORY SECTION (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

**WAC 51-52-0928 Section 928—Evaporative cooling equipment.**

~~((928.1 General. Evaporative cooling equipment shall:~~

1. ~~Be installed in accordance with the manufacturer's instructions.~~
2. ~~Be installed on level platforms in accordance with Section 304.10.~~
3. ~~Have openings in exterior walls or roofs flashed in accordance with the International Building Code.~~
4. ~~Be provided with potable water backflow protection in accordance with backflow requirements in the plumbing code.~~
5. ~~Have air intake opening locations in accordance with Section 401.4.)~~

NEW SECTION**WAC 51-52-1107 Section 1107—Refrigerant piping.**

**1107.2 Piping location.** Refrigerant piping that crosses an open space that affords passageway in any building shall be not less than 7 feet 3 inches (2210 mm) above the floor unless the piping is located against the ceiling of such space. Refrigerant piping shall not be placed in any of the following:

1. A fire-resistance-rated exit access corridor.
2. An interior exit stairway.
3. An interior exit ramp.
4. An exit passageway.
5. An elevator, dumbwaiter, or other shaft containing a moving object.
6. A shaft that has one or more openings into a fire-resistance-rated exit access corridor, interior exit stairway or ramp, or exit passageway.

NEW SECTION**WAC 51-52-1200 Chapter 12—Hydronic piping.**

**1209.5.1 Slab-on-grade installation.** Radiant piping utilized in slab-on-grade applications shall be provided with insulating materials installed beneath the piping as required by the Washington State Energy Code.

**1210.7.6 Expansion tanks.** Shutoff valves shall be installed at connections to expansion tanks. A method of draining the expansion tank downstream of the shutoff valve shall be provided.

AMENDATORY SECTION (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

**WAC 51-52-1500 Chapter 15—Referenced standards.** The following referenced standards are added to Chapter 15.

ASHRAE  
((62.2-2010)) 62.2-2013 Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings

AMENDATORY SECTION (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

**WAC 51-52-21101 Section 101—General.**

**101.2 Scope.** This code shall apply to the installation of fuel gas piping systems, fuel gas utilization equipment, gaseous hydrogen systems and regulated accessories in accordance with Section 101.2.1 through 101.2.5.

EXCEPTIONS:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.
2. The standards for liquefied petroleum gas installations shall be the ((2011)) 2014 Edition of NFPA 58 (Liquefied Petroleum Gas Code) and the ((2012)) 2015 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

AMENDATORY SECTION (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

**WAC 51-52-21401 Chapter 4—Gas piping installations.**

~~((401.9 Identification. Each length of pipe and tubing and each pipe fitting utilized in a mechanical system shall bear the identification of the manufacturer.~~

EXCEPTION: The manufacturer identification for fittings and pipe nipples shall be on each piece or shall be printed on the fitting or nipple packaging or provided documentation.))

AMENDATORY SECTION (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

**WAC 51-52-21601 Chapter 6—Specific appliances.**

~~((614.7.1 Protection required. Protective shield plates shall be provided in accordance with Section 614.6.3.))~~

**WSR 16-01-151****PERMANENT RULES****DEPARTMENT OF HEALTH**

(Board of Optometry)

[Filed December 21, 2015, 12:21 p.m., effective January 21, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-851-545 Retired active credential, adds a new section establishing a retired active credential for licensed optometrists.

Statutory Authority for Adoption: RCW 18.54.070(2).

Other Authority: RCW 18.130.250.

Adopted under notice filed as WSR 15-16-119 on August 4, 2015.

Changes Other than Editing from Proposed to Adopted Version: The board made one nonsubstantive change for clarity. In subsection (3), language was changed from "report fifty hours of continuing education every two years" to "comply with WAC 246-851-090 Continuing education requirement."

A final cost-benefit analysis is available by contacting Lorelei Walker, Washington State Department of Health, Board of Optometry, P.O. Box 47850, Olympia, WA 98504-7850, phone (360) 236-4947, fax (360) 236-2901, e-mail Lorelei.Walker@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: September 21, 2015.

Christopher Barry O.D., Chair  
Board of Optometry

NEW SECTION

**WAC 246-851-545 Retired active credential.** (1) To obtain a retired active credential, an optometrist must comply with chapter 246-12 WAC, Part 5.

(2) An optometrist with a retired active license may not receive compensation for vision care services.

(3) An optometrist with a retired active license must renew the license every year on his or her birthday according to WAC 246-12-130 and 246-851-990 and comply with WAC 246-851-090 Continuing education requirement.

**WSR 16-01-155**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**

[Filed December 21, 2015, 1:09 p.m., effective January 21, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 458-20-10201 (Rule 10201) Application process and eligibility requirements for reseller permits, Rule 10201 explains the application process and eligibility requirements for businesses to receive department-issued reseller permits. The department has revised Rule 10201 to:

- Remove past statute information;
- Add a criterion to subsections (203)(b) and (303)(b) for those businesses with an outstanding tax liability due to the Department as a consideration for deciding whether they will be issued a reseller permit by the department;
- Expand Part I *General Information* to include the definitions that were spread throughout the rule;
- Add headings as needed for subsections; and
- Include examples.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-10201 (Rule 10201) Application process and eligibility requirements for reseller permits.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Adopted under notice filed as WSR 15-18-104 on September 1, 2015.

Changes Other than Editing from Proposed to Adopted Version:

- In subsection (2) rule titles have been added, as well as WAC 458-20-192 (Indian-Indian country); and
- A definition for "outstanding tax liability" has been added to Part I, subsection (101).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 21, 2015.

Kevin Dixon  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-14-080, filed 7/1/10, effective 8/1/10)

**WAC 458-20-10201 Application process and eligibility requirements for reseller permits.**

~~((Part I—General~~

~~(101))~~ **(1) Introduction.** ~~((Effective January 1, 2010,))~~ Reseller permits, issued by the department of revenue (department) ~~((replace)), replaced~~ resale certificates as the documentation necessary to substantiate the wholesale nature of a sales transaction effective January 1, 2010. ~~((Unique requirements and provisions apply to construction contractors. (See Part III of this section.) This section))~~ This rule explains the criteria under which the department will automatically issue a reseller permit, the application process for both contractors and taxpayers engaging in other business activities when the department does not automatically issue or renew a reseller permit, and the criteria that may result in the denial of an application for a reseller permit. Unique requirements and provisions apply to contractors. (See Part III of this rule.)

The information in this rule is organized into the following three parts:

(a) Part I: General Information.

(b) Part II: Businesses Other than Contractors.

(c) Part III: Contractors.

**(2) Other rules that may apply.** Readers may want to refer to other rules for additional information, including those in the following list:

(a) WAC 458-20-102 (Reseller permits) which explains taxpayers' responsibilities regarding the use of reseller permits, sellers' responsibilities for retaining copies of reseller permits, and the implications for taxpayers not properly using reseller permits and sellers not obtaining copies of reseller permits from taxpayers;

(b) WAC 458-20-10202 (Brief adjudicative proceedings for matters related to reseller permits) which explains the process a taxpayer must use to appeal the department's denial of an application for a reseller permit; and

(c) WAC 458-20-192 (Indian-Indian country) which explains the extent of the state's authority to regulate and impose tax in Indian country.

**(3) Examples.** This rule contains examples that identify a number of facts and then state a conclusion. The examples should be used only as a general guide. The tax results of other situations must be determined after a review of all the facts and circumstances.

**Part I - General Information**

**(101) Definitions.** For the purpose of this rule, the following terms will apply:

(a) Consumer. "Consumer" has the same meaning as under RCW 82.04.190.

(b) Contractor. A "contractor" is a person whose primary business activity is as a contractor as defined under RCW 18.27.010 or an electrical contractor as defined under RCW 19.28.006.

(c) Gross income. "Gross income" means gross proceeds of sales as defined in RCW 82.04.070 and value of products manufactured as determined under RCW 82.04.450.

(d) Labor. "Labor" is defined as the work of subcontractors (including personnel provided by temporary staffing companies) hired by a contractor to perform a portion of the construction services in respect to real property owned by a

third party. In the case of speculative builders, labor includes the work of any contractor hired by the speculative builder. Labor does not include the work of taxpayer's employees. Nor does the term include architects, consultants, engineers, construction managers, or other independent contractors hired to oversee a project but who are not responsible for the construction of the project. However, for purposes of the percentage discussed in subsection (303)(a)(iii) of this rule, purchases of labor may include the wages of taxpayer's employees and amounts paid to consultants, engineers, construction managers or other independent contractors hired to oversee a project if all such purchases are commingled in the applicant's records and it would be impractical to exclude such purchases.

(e) **Materials.** "Materials" is defined as tangible personal property that becomes incorporated into the real property being constructed, repaired, decorated, or improved. Materials are the type of tangible personal property that contractors on retail construction projects purchase at wholesale, such as lumber, concrete, paint, wiring, pipe, roofing materials, insulation, nails, screws, drywall, and flooring material. Materials do not include consumable supplies, tools, or equipment, whether purchased or rented, such as bulldozers. However, for purposes of the percentage discussed in subsection (303)(a)(iii) of this rule, purchases of consumable supplies, tools, and equipment rentals may be included with material purchases if all such purchases are commingled in the applicant's records and it would be impractical to exclude such purchases.

(f) **Material misstatement.** "Material misstatement" is a false statement knowingly or purposefully made by the applicant with the intent to deceive or mislead the department.

(g) **Outstanding tax liability.** For the purpose of this rule, "outstanding tax liability" is any issued tax invoice that has not been paid in full on or before its stated due date. The definition excludes an invoice placed on hold by the department or where the department has executed a payment agreement with the taxpayer and the taxpayer is still in compliance with that agreement.

(h) **Reseller permit.** A "reseller permit" is the document issued to a taxpayer by the department, a copy of which the taxpayer provides to a seller to substantiate a wholesale purchase. A wholesale purchase is not subject to retail sales tax. RCW 82.04.060; 82.08.020.

(i) **Retail construction activity.** "Retail construction activity" means the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, on, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and it also includes the sale of services or charges made for the clearing of land and the moving of earth except the mere leveling of land used in commercial farming or agriculture. Retail construction activity generally involves residential and commercial construction performed for others, including road construction for the state of Washington. It generally includes construction activities that are not specifically designated as speculative building, government contracting, public road construction, logging road construction,

radioactive waste cleanup on federal lands, or designated hazardous site clean up jobs.

(j) **Wholesale construction activity.** "Wholesale construction activity" means labor and services rendered for persons who are not consumers in respect to real property, if such labor and services are expressly defined as a retail sale by RCW 82.04.050 when rendered to or for consumers.

**(102) ((What is a reseller permit?)** A reseller permit is the document issued to a taxpayer by the department, a copy of which the taxpayer provides to a seller to substantiate a wholesale purchase. A wholesale purchase is not subject to retail sales tax. See RCW 82.04.060; 82.08.020. Reseller permits are to be used for wholesale purchases made on and after January 1, 2010.

**(103)) Can any business obtain a reseller permit?** No. ((This act was passed by the legislature)) The legislature passed the act authorizing reseller permits to address the significant retail sales tax noncompliance problem resulting from both the intentional and unintentional misuse of resale certificates. The department will not issue a reseller permit unless the business ((ean)) substantiates that ((the business)) it is entitled to make wholesale purchases. Some businesses may not receive a reseller permit, and if they ((dø)) make wholesale purchases, they will need to pay retail sales tax to the seller and then claim a "taxable amount for tax paid at source" deduction on their excise tax return or request a refund from the department as discussed in subsection (205) of this ((section)) rule.

((In addition to this section, information regarding the reseller permit is available at the following sources:

- <http://dor.wa.gov>, which is the department's web site;
- WAC 458-20-10202, which explains the process a taxpayer uses when appealing the department's denial of an application for a reseller permit; and
- WAC 458-20-102, which explains the taxpayer's responsibilities regarding the use of a reseller permit, the seller's responsibility for retaining a copy of a reseller permit, and the implications for a taxpayer not properly using a reseller permit and a seller not obtaining a copy of a reseller permit from the taxpayer.

Buyers and sellers should refer to the following for information regarding the resale certificate, which is the document used to substantiate the wholesale nature of a sales transaction occurring before January 1, 2010:

- ~~WAC 458-20-102A (Resale certificates)~~, which explains the taxpayer's responsibilities regarding the use of a resale certificate, the seller's responsibility for retaining a resale certificate, and the implications for a taxpayer not properly using a certificate and a seller not obtaining a certificate from the taxpayer. It is important to note that sellers should retain resale certificates for five years from the date of last use (e.g., December 31, 2014, for sales made in 2009) as the certificates may be requested by the department to verify the wholesale nature of a sale made before January 1, 2010.)

**Example 1.** BC Interior Design (BC) arranges for its customers to order and pay for furniture, window treatments and other decorative items directly from vendors. As the customers purchase directly from the vendors, and BC does not purchase the items for resale to their customers, BC may not qualify for a reseller permit. BC must meet the criteria as dis-

cussed in subsection (203) of this rule, which includes reporting income from retailing, wholesaling, or manufacturing activities.

## Part II - Businesses Other than Contractors

### (201) How does a business obtain a reseller permit?

The department (~~(will)~~) may automatically issue a reseller permit to a business if it appears to the department's satisfaction, based on the nature of the business's activities and any other information available to the department, that the business is entitled to make purchases at wholesale.

Those businesses that do not receive an automatically issued reseller permit may apply to the department to obtain a reseller permit. Applications (~~(are available at: http://dor.wa.gov or)~~) can be filed using the businesses' "My Account." If a paper application is needed, businesses can obtain one by calling 1-800-647-7706 (taxpayer services) or 360-902-7137 (taxpayer account administration). Completed paper applications should be mailed or faxed to the department at:

Taxpayer Account Administration  
Department of Revenue  
(~~(Taxpayer Account Administration)~~)  
P.O. Box 47476  
Olympia, WA 98504-7476  
Fax: 360-705-6733

**(202) When does a business apply for a reseller permit?** A business (~~(can)~~) may apply for a reseller permit at any time.

**(203) What criteria will the department consider when (~~(making its decision)~~) deciding whether a business will receive a reseller permit?**

(a) Except as provided in (b) of this subsection, a business other than a contractor will receive a reseller permit if it satisfies the following criteria (contractors should refer to subsection (~~((305))~~) (303) of this (~~(section))~~ rule for an explanation of the requirements unique to them):

(i) The business has an active tax reporting account with the department;

(ii) The business (~~(must have))~~ has reported gross income on its excise tax returns covering a monthly or quarterly period during the immediately preceding six months or, if the business reports on an annual basis, on the immediately preceding annual excise tax return; and

(iii) Five percent or more of the business's gross income reported during the applicable six- or twelve-month period described in (a)(ii) of this subsection was reported under a retailing, wholesaling, or manufacturing business and occupation (B&O) tax classification.

(b) Notwithstanding (a) of this subsection, the department may deny an application for a reseller permit if:

(i) The department determines that an applicant is not entitled to make purchases at wholesale or is otherwise prohibited from using a reseller permit based on the nature of the applicant's business;

(ii) The applicant has been assessed the penalty for the misuse of a resale certificate or a reseller permit;

(iii) The application contains any material misstatement;

(iv) The application is incomplete; (~~((or))~~)

(v) The applicant has an outstanding tax liability due to the department; or

(vi) The department determines that denial of the application is in the best interest of collecting the taxes due under Title 82 RCW.

(c) The department's decision to approve or deny an application may be based on excise tax returns previously filed with the department by the applicant, a current or previous examination of the applicant's books and records by the department, information provided by the applicant in the master application and the reseller permit application, and other information available to the department.

(d) (~~(For purposes of this subsection, "gross income" means gross proceeds of sales as defined in RCW 82.04.070 and value of products manufactured as determined under RCW 82.04.450.~~)

(e) ~~For purposes of this subsection and subsection (305) of this section, a "material misstatement" is a false statement knowingly or purposefully made by the applicant with the intent to deceive or mislead the department.~~

(f) In the event that a business has reorganized, the new business resulting from the reorganization may be denied a reseller permit if the former business would not have qualified for a reseller permit under (a) or (b) of this subsection. For purposes of this subsection, "reorganize" means:

(i) The transfer, however effected, of a majority of the assets of one business to another business where any of the persons having an interest in the ownership or management in the former business maintain an ownership or management interest in the new business, either directly or indirectly;

(ii) A mere change in identity or form of ownership, however effected; or

(iii) The new business is a mere continuation of the former business based on significant shared features such as owners, personnel, assets, or general business activity.

**(204) What if I am a new business and don't have a past reporting history?** New businesses will generally be issued permits if they indicate they will engage in activity taxable under a retailing, wholesaling, or manufacturing B&O tax classification.

**(205) What if I don't get a reseller permit and some of my purchases (~~(do)~~) qualify as wholesale purchases? (~~(It is possible that)~~) Some taxpayers that do not qualify for a reseller permit (~~(will)~~) make occasional wholesale purchases. In these circumstances, the taxpayer must pay retail sales tax on these purchases and then claim a "taxable amount for tax paid at source" deduction on (~~(the taxpayer's))~~ its excise tax return. However, such a deduction in respect to the purchase of services is not permitted if the services are not of a type that can be sold at wholesale under the definition of wholesale sale in RCW 82.04.060.**

Alternatively, the taxpayer may request a refund from the department of retail sales tax it paid on purchases that are later resold without being used (intervening use) by the taxpayer or for purchases that would otherwise have met the definition of wholesale sale if the taxpayer had provided the seller with a reseller permit or uniform exemption certificate as authorized in RCW 82.04.470. (~~(See also WAC 458-20-229 (Refunds).~~) However, such a deduction in respect to the purchase of services is not permitted if the services are not of

a type that can be sold at wholesale under the definition of wholesale sale in RCW 82.04.060) For instructions on requesting a refund see WAC 458-20-229.

### Part III - (~~Construction~~) Contractors

#### (301) How does a contractor obtain a reseller permit?

The department (~~will~~) may automatically issue a reseller permit to a contractor if the department is satisfied that the contractor is entitled to make purchases at wholesale and that issuing the reseller permit is unlikely to jeopardize collection of sales taxes due based on the criteria discussed in subsection (~~(305)~~) (303) of this (~~(section)~~) rule.

(~~Those businesses~~) Contractors that do not receive an automatically issued reseller permit may apply to the department to obtain a reseller permit in the same manner as provided in subsection (201) of this (~~(section)~~) rule. However, the application identifies information specific to contractors that must be provided.

**(302) (~~How do I determine whether I am a "contractor"~~?)** For purposes of the reseller permit:

(a) A "contractor" is a person whose primary business activity is as a contractor as defined under RCW 18.27.010 or an electrical contractor as defined under RCW 19.28.006.

(b) "Retail construction activity" means the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and it also includes the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture. Retail construction activity generally involves residential and commercial construction performed for others, including road construction for the state of Washington. It generally includes construction activities that are not specifically designated as speculative building, government contracting, public road construction, logging road construction, radioactive waste cleanup on federal lands, or designated hazardous site clean-up jobs.

(c) "Wholesale construction activity" means labor and services rendered for persons who are not consumers in respect to real property, if such labor and services are expressly defined as a retail sale by RCW 82.04.050 when rendered to or for consumers. For purposes of this subsection, "consumer" has the same meaning under RCW 82.04.190.

(d) "Materials" is defined as tangible personal property that becomes incorporated into the real property being constructed, repaired, decorated, or improved. Materials are the type of tangible personal property that contractors on retail construction projects purchase at wholesale, such as lumber, concrete, paint, wiring, pipe, roofing materials, insulation, nails, screws, drywall, and flooring material. Materials do not include consumable supplies, tools, or equipment, whether purchased or rented, such as bulldozers. However, for purposes of the percentage discussed in subsection (305)(a)(iii) of this section, purchases of consumable supplies, tools, and equipment rentals may be included with material purchases if all such purchases are commingled in the applicant's records and it would be impractical to exclude such purchases.

(e) "Labor" is defined as the work of subcontractors (including personnel provided by temporary staffing companies) hired by a contractor to perform a portion of the construction services in respect to real property owned by a third party. In the case of speculative builders, labor includes the work of any construction contractor hired by the speculative builder. Labor does not include the work of taxpayer's employees. Nor does the term include consultants, engineers, construction managers, or other independent contractors hired to oversee a project. However, for purposes of the percentage discussed in subsection (305)(a)(iii) of this section, purchases of labor may include the wages of taxpayer's employees and amounts paid to consultants, engineers, construction managers or other independent contractors hired to oversee a project if all such purchases are commingled in the applicant's records and it would be impractical to exclude such purchases.

**(303) How does a contractor apply for a reseller permit?** A contractor applies for a reseller permit in the same manner as businesses apply as provided in subsection (201) of this section. However, the application identifies information specific to contractors that must be provided.

**(304) When does a contractor apply for a reseller permit?** The same guidelines for business applicants as provided in subsection (202) of this (~~(section)~~) rule also apply to contractor applicants.

**(305) (303) What are the criteria specific to contractors to receive a reseller permit?**

(a) The department may issue a permit to a contractor that:

(i) Provides a completed application with no material misstatement as that term is defined in (~~(subsection (203)(e) of this section)~~) this rule;

(ii) Demonstrates it is entitled to make purchases at wholesale; and

(iii) Reported on its application(~~(~~

(A) Filed July 1, 2010, and after that)) at least twenty-five percent of its total dollar amount of material and labor purchases in the preceding twenty-four months were for retail and wholesale construction activities performed by the contractor(~~(~~

(B) Filed from January 1, 2010, through June 30, 2010, that at least twenty-five percent of its total dollar amount of material and labor purchases in the preceding twelve months were for retail construction activities)).

The department may(~~(, however,)~~) approve an application not meeting (~~(this criterion)~~) these criteria if the department is satisfied that approval is unlikely to jeopardize collection of the taxes due under Title 82 RCW.

(b) If the criteria in (a) of this subsection are satisfied, the department will then consider the following factors (~~(when determining)~~) to determine whether to issue a reseller permit to a contractor:

(i) Whether the contractor has an active tax reporting account with the department;

(ii) Whether the contractor has reported gross income on its excise tax returns covering a monthly or quarterly period during the immediately preceding six months or, if the contractor reports on an annual basis, on the immediately preceding annual excise tax return;

(iii) Whether the contractor has the appropriate certification and licensing with the Washington state department of labor and industries;

(iv) Whether the contractor has been assessed the penalty for the misuse of a resale certificate or a reseller permit; ~~((and))~~

(v) Whether the contractor has an outstanding tax liability due to the department; and

(vi) Any other factor resulting in a determination by the department that denial of the contractor's application is in the best interest of collecting the taxes due under Title 82 RCW.

(c) The department's decision to approve or deny an application may be based on the same materials and information as discussed in subsection (203)(c) of this ~~((section))~~ rule.

~~((d))~~ ~~((For purposes of this subsection, "gross income" means gross proceeds of sales as defined in RCW 82.04.070 and value of products manufactured as determined under RCW 82.04.450.~~

~~((e))~~ The provisions of subsection (203)~~((f))~~ (d) of this ~~((section are equally applicable))~~ rule apply equally to contractors.

~~((306))~~ **Example 2. DC Contracting is a speculative homebuilder and also purchases houses to renovate and sell, sometimes referred to as flipping. A speculative builder is the consumer of all materials incorporated into the real estate including houses purchased for flipping. Retail sales tax is owed on all supplies and services DC Contracting purchases, unless there is an applicable exemption. DC Contracting would not qualify for a reseller permit under these facts.**

**(304) What if a contractor does not obtain a reseller permit and some of its purchases do qualify as wholesale purchases?** The provisions of subsection (205) of this ~~((section are))~~ rule apply equally ~~((applicable))~~ to contractors.

### WSR 16-01-158

#### PERMANENT RULES

#### DEPARTMENT OF HEALTH

[Filed December 21, 2015, 2:48 p.m., effective January 21, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Chapter 246-803 WAC, East Asian medicine practitioners, implemented SHB 1045 (chapter 60, Laws of 2015) which amended RCW 18.06.140 by removing the requirement for an East Asian medicine practitioner (EAMP) to develop a written plan for consultation, emergency transfer, and referral. WAC 246-803-100 through 246-803-130 were amended and WAC 246-803-330 was repealed to remove this requirement for licensure.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-803-330; and amending WAC 246-803-100, 246-803-110, 246-803-120, and 246-803-130.

Statutory Authority for Adoption: RCW 18.06.160.

Other Authority: SHB 1045 (chapter 60, Laws of 2015).

Adopted under notice filed as WSR 15-18-103 on September 1, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 4, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 1.

Date Adopted: October 23, 2015.

John Wiesman, DrPH, MPH

Secretary

AMENDATORY SECTION (Amending WSR 11-17-105, filed 8/22/11, effective 9/22/11)

**WAC 246-803-100 Application requirements for applicants from approved schools, colleges or programs.** An applicant for an East Asian medicine practitioner license who has graduated from an approved school, college or program must submit to the department:

(1) A completed application.

(2) The application fee required under WAC 246-803-990.

(3) Verification of academic or educational study and clinical training at a school, college or program approved by the secretary. The school, college or program verification must include one of the following:

(a) Original copy of school transcript evidencing completion of a program in East Asian medicine that includes the required basic sciences sent directly from the school, college or program; or

(b) If the school no longer exists, a copy of the transcript and a sworn affidavit stating the school no longer exists.

(4) Verification of clinical training as required in WAC 246-803-230.

(5) Verification of successful completion of the examinations as required in WAC 246-803-240.

(6) Verification of all East Asian medicine practitioner or health care licenses held, submitted directly from the licensing agency. The certification shall include the license number, issue date, expiration date and whether the East Asian medicine practitioner has been the subject of final or pending disciplinary action.

(7) Verification of completion of seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(8) Verification of current cardiopulmonary resuscitation (CPR) certification. The training in CPR shall consist of a minimum of one quarter credit or equivalent. Red Cross certification or documentation of equivalent training may be substituted for the one quarter credit.

~~((9))~~ ~~((An attestation stating that the applicant will submit a plan for consultation, emergency transfer and referral prior to practicing.~~

~~((10))~~ Any additional documents requested by the secretary.



AMENDATORY SECTION (Amending WSR 11-17-105, filed 8/22/11, effective 9/22/11)

**WAC 246-803-110 Application requirements for applicants from accredited schools, colleges or programs.**

An applicant for an East Asian medicine practitioner license who has graduated from an accredited school, college or program must submit to the department:

- (1) A completed application.
- (2) The application fee required under WAC 246-803-990.
- (3) Verification of academic or educational study and clinical training at a school, college or program accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM). The school, college or program verification must include one of the following:

(a) Original copy of school transcript evidencing completion of a program in East Asian medicine that includes the required basic sciences sent directly from the school, college or program. If all of the required basic sciences were not included as a part of the curriculum, then the applicant must also provide official transcripts where the basic sciences were obtained; or

(b) A notarized affidavit or statement signed by an officer of the school, college or program certifying the applicant's satisfactory completion of the training and designating the subjects and hours; or

(c) If the school no longer exists, a copy of the transcript and a sworn affidavit stating the school no longer exists.

(4) Verification of clinical training as required in WAC 246-803-230.

(5) Verification of successful completion of the examinations as required in WAC 246-803-240.

(6) Verification of all East Asian medicine practitioner or health care licenses held, submitted directly from the licensing agency. The certification shall include the license number, issue date, expiration date and whether the East Asian medicine practitioner has been the subject of final or pending disciplinary action.

(7) Verification of completion of seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(8) Verification of current cardiopulmonary resuscitation (CPR) certification. The training in CPR shall consist of a minimum of one quarter credit or equivalent. Red Cross certification or documentation of equivalent training may be substituted for the one quarter credit.

(9) ~~((An attestation stating that the applicant will submit a plan for consultation, emergency transfer and referral prior to practicing.~~

~~(10))~~ Any additional documents requested by the secretary.

AMENDATORY SECTION (Amending WSR 11-17-105, filed 8/22/11, effective 9/22/11)

**WAC 246-803-120 Application requirements for applicants from approved apprenticeships or tutorials.**

Prior to applying for an East Asian medicine practitioner license, an applicant must have on file an approved application for apprenticeship or tutorial. The application must meet the requirements set out in WAC 246-803-510. An applicant

for an East Asian medicine practitioner license who has completed an apprenticeship or tutorial program approved by the secretary must submit to the department:

(1) A completed application.

(2) The application fee required under WAC 246-803-990.

(3) Verification of academic or educational study and clinical training at an approved apprenticeship or tutorial. Verification must include a notarized affidavit or statement signed by the apprenticeship trainer certifying the applicant's satisfactory completion of the training and designating the subjects and hours.

(4) Verification of clinical training as required in WAC 246-803-230.

(5) Verification of successful completion of the examinations as required in WAC 246-803-240.

(6) Verification of all East Asian medicine practitioner or health care licenses held, submitted directly from the licensing agency. The certification shall include the license number, issue date, expiration date and whether the East Asian medicine practitioner has been the subject of final or pending disciplinary action.

(7) Verification of completion of seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(8) Verification of current cardiopulmonary resuscitation (CPR) certification. The training in CPR shall consist of a minimum of one quarter credit or equivalent. Red Cross certification or documentation of equivalent training may be substituted for the one quarter credit.

~~(9) ((An attestation stating that the applicant will submit a plan for consultation, emergency transfer and referral prior to practicing.~~

~~(10))~~ Any additional documents requested by the secretary.

AMENDATORY SECTION (Amending WSR 11-17-105, filed 8/22/11, effective 9/22/11)

**WAC 246-803-130 Application requirements for applicants from foreign schools.**

(1) An applicant for an East Asian medicine practitioner license who has graduated from a foreign East Asian medicine practitioner program not accredited, or approved by the secretary must:

(a) Have at least a bachelor's or master's degree in East Asian medicine or acupuncture from an institution of higher learning which is approved by the foreign country's ministry of education/health, or other governmental entity;

(b) Have graduated from a program of East Asian medicine or acupuncture education with requirements substantially equal to those required of graduates of secretary-approved programs; and

(c) Demonstrate fluency in reading, speaking, and understanding the English language by taking the examinations required in WAC 246-803-240 (2)(a) through (c) in English or by passage of the test of English as a foreign language in WAC 246-803-240(3).

(2) An applicant for an East Asian medicine practitioner license must submit to the department:

(a) A completed application.

(b) The application fee required under WAC 246-803-990.

(c) Original copy of school transcripts from the East Asian medicine or acupuncture program showing degree and degree date.

(d) A credentialing evaluation report from the American Association of Collegiate Registrars and Admissions Officers (AACRAO). The report must be sent directly from the AACRAO to the department. Submit transcripts, fees, and other documentation to a credentialing service approved by the department and request the evaluation report be sent directly to the department. The department recognizes the AACRAO for credential evaluations.

(e) Verification of clinical training as required in WAC 246-803-230.

(f) Verification of successful completion of the examinations as required in WAC 246-803-240.

(g) Verification of all East Asian medicine practitioner or health care licenses held, submitted directly from the licensing agency. The certification shall include the license number, issue date, expiration date and whether the East Asian medicine practitioner has been the subject of final or pending disciplinary action.

(h) Verification of completion of seven clock hours of AIDS education as required in chapter 246-812 WAC, Part 8.

(i) Verification of current cardiopulmonary resuscitation (CPR) certification. The training in CPR shall consist of a minimum of one quarter credit or equivalent. Red Cross certification or documentation of equivalent training may be substituted for the one quarter credit.

~~(j) ((An attestation stating that the applicant will submit a plan for consultation, emergency transfer and referral prior to practicing.~~

~~(k))~~ Any additional documents requested by the secretary.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 246-803-330 Plan for consultation, emergency transfer and referral.

**WSR 16-01-159**

**PERMANENT RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed December 22, 2015, 7:53 a.m., effective January 22, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this proposal is to eliminate any future conflict or questioning of whether "canola" is a covered commodity by adding the word "canola" to the list of covered commodities. The current rule only lists "rapeseed," which was originally intended to include all varieties of canola and rapeseed, but has in recent years become much more narrow in meaning. This proposal will restore the original intent of the rule, and will provide greater clarity that [than] the current rule language.

Citation of Existing Rules Affected by this Order: Amending WAC 16-237-015 Covered commodities.

Statutory Authority for Adoption: RCW 22.09.020.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 15-15-067 on July 13, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 22, 2015.

Derek I. Sandison  
Director

**AMENDATORY SECTION** (Amending WSR 00-21-043, filed 10/13/00, effective 11/13/00)

**WAC 16-237-015 Covered commodities.** Commodities covered under chapter 22.09 RCW in respect to storage and/or merchandising shall include wheat, barley, oats, field corn, popcorn, rye, triticale, grain sorghum, soybeans, sunflowers, flax, buckwheat, canola, rapeseed, safflower, millet, mustard, dry peas, dry beans, lentils, malt, and the by-products resulting from conditioning the above commodities.

**WSR 16-01-163**

**PERMANENT RULES**

**DEPARTMENT OF**

**LABOR AND INDUSTRIES**

[Filed December 22, 2015, 9:40 a.m., effective February 1, 2016]

Effective Date of Rule: February 1, 2016.

Purpose: The factory assembled structures program is adopting amendments to chapter 296-150M WAC, Manufactured homes. The program reviews the rules on a regular basis to ensure the rules are consistent with the latest safety code requirements and industry standards for mobile and manufactured homes, to update the existing rules, for rule clarity, and housekeeping changes. This rule making will:

- Adopt the latest code requirements and industry standards for manufactured and mobile homes in the state of Washington. This includes: Air-Conditioning, Heating and Refrigeration Institute, National Electrical Code, Uniform Plumbing Code, and Asphalt Roofing Manufacturers Association;

- Adopt modifications for clarity, to improve safety and reflect current processes, for example:
  - o Allowing the department to handle consumer complaints regarding manufactured homes;
  - o Process change for submittal of approved fire safety certificates to the county treasurer's office, as opposed to the department; and
  - o Clarifying that awnings and/or carports must be constructed without blocking egress doors or windows.
- Adopt modifications to existing rules for permits, insignias, plan review, and inspections to bring the rules up to date;
- Adopt language for consistency with statutory requirements; and
- Adopt modifications for general housekeeping, grammatical and reference corrections.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 296-150M-0020 What definitions apply to this chapter?, 296-150M-0060 Who handles consumer complaints about manufactured homes?, 296-150M-0300 What approval do I need to alter a manufactured home?, 296-150M-0302 What are some examples of work to manufactured or mobile homes that either require or do not require a permit and inspection?, 296-150M-0306 What codes are used when altering a manufactured/mobile home?, 296-150M-0309 How do I apply for alteration approval and obtain an alteration insignia?, 296-150M-0320 What must I provide to request approval of an alteration?, 296-150M-0330 How do I obtain alteration insignia information and the forms you require?, 296-150M-0331 Does my alteration permit expire?, 296-150M-0360 When is design plan approval required for an alteration?, 296-150M-0390 If my design plan is not approved, how much time do I have to submit a corrected plan?, 296-150M-0410 What are the requirements for altering mobile/manufactured homes?, 296-150M-0500 When must an inspection be requested?, 296-150M-0540 How do I obtain a fire safety certificate to site my pre-HUD home?, and 296-150M-0550 What is required to meet the fire safety certificate requirements?

Statutory Authority for Adoption: Chapter 43.22 RCW, Department of labor and industries.

Adopted under notice filed as WSR 15-19-136 on September 22, 2015.

Changes Other than Editing from Proposed to Adopted Version:

- WAC 296-150M-0306(6), replaced the language listing specific manufacturers with the nationally recognized consensus standards for ANSI LC-1/CSA 6.26 to eliminate restrictions and continuous updates to the rules.
- WAC 296-150M-0500, a minor language change to replace the word "us" with "department" for rule consistency.

A final cost-benefit analysis is available by contacting Alicia Curry, Management Analyst, Department of Labor and Industries, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6244, fax (360) 902-5292, e-mail Alicia.Curry@Lni.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 15, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 15, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 15, Repealed 0.

Date Adopted: December 22, 2015.

Joel Sacks  
 Director

AMENDATORY SECTION (Amending WSR 08-12-041, filed 5/30/08, effective 6/30/08)

**WAC 296-150M-0020 What definitions apply to this chapter? "Alteration"** is the replacement, addition, modification, or removal of any equipment or installation that affects the construction, planning considerations, fire safety, or the plumbing, mechanical, and electrical systems of a manufactured home. The installation of whole-house water treatment equipment that requires cutting into the existing plumbing is considered an alteration and requires a permit, an inspection and an alteration insignia.

**"Alteration insignia"** is an insignia issued by the department of labor and industries to verify that an alteration to a manufactured home meets the requirements of federal law 24 C.F.R. 3280 and this chapter.

**"Anchoring system"** is the means used to secure a mobile home to ground anchors or to other approved fastening devices. It may include straps, cables, turnbuckles, bolts, fasteners, and other components.

**"ANSI"** is the American National Standards Institute, Inc., and the institute's rules applicable to manufactured homes, ANSI A225.1 Manufactured Homes Installation, 1994 edition, except section 3.5.2 - Ground Cover and section 4.1.3.3 - Clearance.

**"Authority having jurisdiction"** means that either the department of labor and industries or the local jurisdiction is responsible for establishing specific manufactured home standards. The authority for specific manufactured home standards is divided as follows:

- The department of labor and industries establishes standards for manufactured home installation and alterations and performs alteration inspections;
- The local jurisdiction establishes standards for manufactured homes governing the building site and performs installation inspections.

**"Building site"** is a tract, parcel, or subdivision of land on which a manufactured home is installed.

**"DAPIA"** is a Design Approval Primary Inspection Agency as approved by the United States Department of Housing and Urban Development.

**"Department"** is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, (~~(Specialty Compliance)~~) Factory Assembled Structures, P.O. Box 44440, Olympia, WA 98504-4440.

**"Design plan"** is a design submitted to the department for approval of a manufactured home structural alteration. This also includes other types of work and installations (plumbing, electrical, etc.) that are incidental to the structural alteration.

**"Equipment"** means the appliances used in the alteration or installation of a manufactured home.

Examples (~~(of appliances)~~) that require an alteration inspection include:

- Furnace;
- Water heater;
- Air conditioner; (~~(and)~~)
- Heat pump; and
- New and extended electrical circuits.

Examples (~~(of appliances)~~) that do not require an alteration inspection include:

(~~(• Microwave oven;)~~)

- Washer;
- Dryer; and
- Dishwasher and range that are connected to their source of power by a plug-in cord.

**"Equivalent air conditioning/heat pump components"** is equipment that performs the same function and is compatible with the equipment of another manufacturer, sometimes referred to as mix and match.

**"Footing"** is the portion of a support system that transmits loads from the manufactured home to the ground.

**"Foundation skirting"** or **"skirting"** is the material that surrounds and encloses the space under the manufactured home.

**"Homeowner"** is an individual who owns a manufactured home. Dealers, distributors, and developers are not regarded as homeowners.

**"HUD"** is the United States Department of Housing and Urban Development with headquarters located in Washington, D.C.

**"Indigent"** means a person receiving an annual income, after taxes, of one hundred twenty-five percent or less of the most recently published federal poverty level.

**"Installation"** is the activity needed to prepare a building site and to set a manufactured home within that site. Site means a tract, parcel, or subdivision of land including a mobile home park.

**"Installed manufactured or mobile home"** is a manufactured or mobile home that has been placed on either private property or in a park and has been installed for occupancy. Installation includes the approval of the blocking of the home, and the connection of the home to all of the utilities, including water, sewer and electrical.

**"IPIA"** is a manufactured home production Inspection Primary Inspection Agency approved by the United States Department of Housing and Urban Development. The department of labor and industries is the IPIA for Washington state.

**"Local enforcement agency"** is an agency of city or county government with power to enforce local regulations governing the building site and installation of a manufactured home.

**"Manufactured home"** is a single-family dwelling built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code. A manufactured home also:

- Includes plumbing, heating, air conditioning, and electrical systems;
- Is built on a permanent chassis; and
- Can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported; or when installed on the site is three hundred twenty square feet or greater (see RCW 46.04.302).

Note: Total square feet is based on exterior dimensions measured after installation using the longest horizontal projections. Dimensions may not include bay windows but may include projections containing interior space such as cabinets and expandable rooms.

Exception: A structure that meets the requirements of a manufactured home as set out in 24 C.F.R. 3282.7(u), except the size requirements is considered a manufactured home, if the manufacturer files with the secretary of HUD a certificate noted in C.F.R. 3282.13.

**"Mobile home"** is a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act. For the purposes of this chapter references to manufactured homes include mobile homes.

**"Park site"** is the installation location of a manufactured home within a residential area for manufactured homes.

**"Repair"** is to restore an item to sound condition, to fix.

**"Replacement"** is the act or process of replacing, to substitute.

**"State administrative agency (SAA)"** the department of labor and industries shall perform all the consumer complaint and related functions (~~(of the state administrative agency)~~) that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing including the preparation and submission of the state administrative plan.

**"Structural alteration-custom design"** is a design that can only be used once.

**"Structural alteration-master design"** is a design plan that can be used more than once. The master plan expires when there is a code change applicable to the design.

**"System"** is part of a manufactured home designed to serve a particular function such as structural, plumbing, mechanical, or electrical functions.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

**WAC 296-150M-0060 Who handles consumer complaints about manufactured homes?** The Washington state department of ~~((community, trade and economic development (CTED), office of manufactured housing section))~~ labor and industries (L&I), factory assembled structures program, handles consumer complaints about manufactured homes. ~~((CTED))~~ Labor and industries, factory assembled structures program is the state administrative agency (SAA) for the United States Department of Housing and Urban Development for the federal manufactured home program.

AMENDATORY SECTION (Amending WSR 08-12-041, filed 5/30/08, effective 6/30/08)

**WAC 296-150M-0300 What approval do I need to alter a manufactured home?** If you alter a manufactured home in Washington state, you must purchase permits prior to making an alteration. This includes:

- (1) Alterations made by a contractor working for a homeowner;
- (2) Alterations made by a homeowner to their own home; ~~((and))~~
- (3) Alterations made by a dealer after a manufactured home is sold; and
- (4) The person or contractor performing the work is responsible for purchasing the permit and abatement of corrections, if applicable.

**Note:** The homeowner can't purchase a permit on behalf of the contractor.

AMENDATORY SECTION (Amending WSR 05-24-020, filed 11/29/05, effective 1/1/06)

**WAC 296-150M-0302 What are some examples of work to manufactured or mobile homes that either require or do not require a permit and inspection?**

TYPE OF WORK	ALTERATION PERMIT AND INSPECTION REQUIRED?	
	Yes	No
<b>(1) Air Conditioner/Heat Pump</b>		
(a) New installation	X	
(b) Replacement	X	
(c) Reconnection after moving home	X	
(d) Repair		X
(e) Adjustment and/or maintenance		X
<b>(2) Bottom Board - Repair</b>		X
<b>(3) Clothes Washer</b>		
(a) New installation		X
(b) Replacement		X
(c) Repair with approved parts		X
(d) Adjustment and/or maintenance		X
<b>(4) Clothes Dryer (Electric)</b>		
(a) New installation (Prewired electrical)		X
(b) Replacement		X

TYPE OF WORK	ALTERATION PERMIT AND INSPECTION REQUIRED?	
	Yes	No
(c) Repair with approved parts		X
(d) Adjustment and/or maintenance		X
(e) Replacement with gas clothes dryer when modifications to electrical or gas systems are performed	X	
<b>(5) Clothes Dryer (Gas)</b>		
(a) New installation (Preplumbed gas)		X
(b) Replacement		X
(c) Repair with approved parts		X
(d) Adjustment and/or maintenance		X
(e) Replacement with electric clothes dryer when modifications to electrical or gas systems are performed	X	
<b>(6) Dishwasher</b>		
(a) New installation	X	
(b) Replacement		
(i) Cord connected		X
(ii) Direct wired	X	
(c) Repair		X
(d) Adjustment and/or maintenance		X
<b>(7) Doors (Interior and Exterior)</b>		
(a) Additional*	X	
(b) Replacement of door that fits into the same opening		X
<b>(8) Electrical</b>		
(a) Replacing main electrical panel*****	X	
(b) Adding circuits	X	
(c) Extending existing circuit(s)	X	
(d) Replacing lighting fixtures****		X
(e) Replacing circuit breakers/fuses		X
(f) Replacing switches, receptacles, light bulbs, fluorescent tubes and glass or plastic shades		X
(g) Repairing bath exhaust fans		X
(h) Repairing fans in kitchen range hoods		X
<b>(9) Exterior Finish</b>		
(a) Painting		X
(b) Replacement of siding	X	
<b>(10) Furnace (Electric)</b>		
(a) New installation	X	
(b) Replacement	X	
(c) Repair		X
(d) Adjustment and/or maintenance		X
(e) Replacement with gas furnace	X	
<b>(11) Furnace (Gas)</b>		
(a) New installation	X	
(b) Replacement	X	
(c) Repair		X
(d) Change from LP Gas to Natural Gas or from Natural Gas to LP gas per its listing		X

TYPE OF WORK	ALTERATION PERMIT AND INSPECTION REQUIRED?	
	Yes	No
(e) Adjustment and/or maintenance		X
(f) Replacement with electric furnace	X	
<b>(12) Gas Lines</b>		
(a) New installation	X	
(b) Extend existing gas line	X	
(c) Repair	X	
<b>(13) Interior</b>		
(a) Painting, wall papering and similar finish work		X
(b) Replacement or addition of curtains, drapes, blinds, window shades and other window coverings		X
(c) Replacement of carpeting and other floor-covering materials with similar materials		X
<b>(14) Microwave Oven (Over range)</b>		
(a) New installation when electrical system modifications are performed	X	
(b) Replacement		X
(c) Repair		X
(d) Adjustment and/or maintenance		X
<b>(15) Microwave Oven (Countertop)</b>		X
<b>(16) Pellet Stove</b>		
(a) New installation	X	
(b) Replacement	X	
(c) Repair		X
(d) Adjustment and/or maintenance		X
<b>(17) Plumbing</b>		
(a) Adding plumbing fixtures***	X	
(b) Repairing damage***	X	
(c) Replacing fixtures***	X	((X))
(d) Repairing fixtures***		X
(e) Replacement/repair of shower doors and curtains		X
<b>(18) Range/Cook Top/Eye Level Oven (Electric)</b>		
(a) Replacement		
(i) Cord connected		X
(ii) Direct wired	X	
(b) Repair with approved parts		X
(c) Adjustment and/or maintenance		X
(d) Replacement with gas appliance(s)	X	
<b>(19) Range/Cook Top/Eye Level Oven (Gas)</b>		
(a) New installation	X	
(b) Replacement		X
(c) Repair with approved parts		X
(d) Adjustment and/or maintenance		X
(e) Replacement with electric appliance(s)	X	
<b>(20) Roofing</b>		
(a) Reroofing	X	

TYPE OF WORK	ALTERATION PERMIT AND INSPECTION REQUIRED?	
	Yes	No
(b) Applying liquid or mastic roof sealant to a metal roof		X
(c) Repair of damaged composition shingles		X
<b>(21) Structural changes</b>		
(a) Adding a dormer*	X	
(b) Truss repairs*	X	
(c) Add opening in wall**	X	
(d) Add gypsum board to walls or ceilings	X	
(e) Repair or replacing floor decking/joists	X	
<b>(22) Water Heater (Electric)</b>		
(a) Replacement w/electric water heater	X	
(b) Repair		X
(c) Adjustment and/or maintenance		X
(d) Replacement with gas water heater	X	
<b>(23) Water Heater (Gas)</b>		
(a) Replacement w/gas water heater	X	
(b) Repair		X
(c) Change from LP gas to Natural Gas or from Natural Gas to LP gas per its listing		X
(d) Adjustment and/or maintenance		X
(e) Replacement with electric water heater	X	
<b>(24) Windows</b>		
(a) Replacement in same opening with no structural changes*****		X
(b) Replacement when structural changes are required	X	
(c) Replacement of glass		X
<b>(25) Wood Stove/Fireplace</b>		
(a) New installation	X	
(b) Replacement	X	
(c) Repair		X
(d) Adjustment and/or maintenance		X

\*May also require a plan review. Please contact your local L&I representative.

\*\* May also require a plan review. The department has detailed drawings you may use for openings in sidewalls. Please contact your local L&I representative.

\*\*\*Fixtures include: Faucets, sinks, lavatories, laundry tubs, water closets (toilets), tubs, showers and tub/shower combos. A permit is not required for replacement of a like fixture as long as there are no changes to the existing water or drain lines.

\*\*\*\*Fixtures must be installed per its listing and intended use.

\*\*\*\*\*Windows in bedrooms must be of egress type.

\*\*\*\*\*Meter bases may only be installed by the manufacturer of the home unless repaired or replaced.

Note: Exemption from the permit and inspection requirements shall not be deemed to grant authorization for any work to be done in violation of the applicable code, chapter 296-150M WAC.

AMENDATORY SECTION (Amending WSR 08-12-041, filed 5/30/08, effective 6/30/08)

**WAC 296-150M-0306 What codes and requirements are ~~(used)~~ applicable when altering a manufactured/mobile home?** Alterations to a manufactured/mobile home must be in compliance with the Manufactured Home Construction and Safety Standards, 24 C.F.R. Part 3280, as adopted by the Secretary for the Department of Housing and Urban Development (HUD) and the amendments to that federal standard adopted in this WAC chapter. The department will accept the following provisions, which supersede the applicable requirements in 24 C.F.R. Part 3280.

(1) Tested equivalent air ~~(conditioning)~~ condition/heat pump components that have been tested and listed for use with a particular furnace by a nationally recognized testing laboratory~~(-)~~ or air conditioners and heat pumps that are rated in accordance with Air-Conditioning, Heating and Refrigeration Institute (AHRI) standards. The blower motor of the furnace and/or air handler shall be tested at the time of installation to verify and document adequate cubic feet per minute of air flow as required by the manufacturer. Documentation of the blower motor test (such as a start-up sheet) is required to be provided on-site for the inspector at the time of inspection.

(2) Water heaters that are listed by a nationally recognized testing laboratory and installed per the manufacturer's installation instructions.

Note: For installation of electrical or gas furnaces and/or water heater in pre-HUD homes, the requirement of 24 C.F.R. Part 3280.203 for flame spread limitations is waived as long as the installation meets the requirement of the installed appliance for distance from combustibles. This does not apply when performing fire safety alterations for relocation as required by state law.

(3) Pellet stoves for installation that have been listed by a department approved nationally recognized testing laboratory. For a current list of approved laboratories, contact any department field office or the department at the address shown in WAC 296-150M-0020.

(4) All electrical alterations and additions to the manufactured/mobile home shall comply with the current edition of the National Electrical Code.

Electrical disconnects must be secured to a manufactured/mobile structural member (not the skirting) and have a 30" x 30" clearance for maintenance.

(5) The International Residential Code for structural alterations.

Note: The replacement of exterior siding is an alteration and requires the approval of the department and an alteration insignia.

(6) The use of corrugated stainless steel tubing (CSST) listed in accordance with ANSI LC-1/CSA 6.26 standard for "Fuel gas piping systems using corrugated stainless steel tubing" is allowed when installed according to the ((manufactured installations)) manufacturer's installation instructions for mobile/manufactured homes ((by the following CSST manufacturers:

- (a) Gastite;
- (b) TracPipe;
- (c) Pro-Flex).

(7) Installation of gas room heaters in bedrooms must:

(a) Have direct vented (sealed combustion) and be listed as UL 307A for liquid fuel burning heater or ANSI Z21.88 and ANSI Z21.86 for vented gas fireplaces.

(b) ~~((Not be able to draw combustion air from the living space and must be designed so that it will become inoperative if any door, latch, or opening is not properly sealed.~~

(~~e~~) Have a smoke detector, listed to Underwriters Laboratory (UL) 217. The smoke detector can either be hard-wired or battery powered (ten-year battery) and installed according to the manufacturer's installation requirements.

~~((d))~~ (c) Have a carbon ~~((dioxide (CO<sub>2</sub>)))~~ monoxide (CO) detector, listed to UL 2034. The ((CO<sub>2</sub>)) CO detector must be installed according to the manufacturer's installation requirements.

~~((e))~~ (d) Have at least one means of egress.

(8) Carbon monoxide alarms are required to be installed in manufactured and mobile homes in accordance with RCW 19.27.530 adopted by the Washington state building council.

(a) For any owner-occupied single-family residence that is sold on or after July 26, 2009, the seller must equip the residence with carbon monoxide alarms in accordance with the requirements of the state building code before the buyer or any other person may legally occupy the residence following such sale.

(b) Maintenance of a carbon monoxide alarm in a building where a tenancy exists, including the replacement of batteries, is the responsibility of the tenant, who shall maintain the alarm as specified by the manufacturer.

(c) Real estate brokers licensed under chapter 18.85 RCW shall not be liable in any civil, administrative, or other proceeding for the failure of any seller or other property owner to comply with the requirements of this section or rules adopted by the building code council.

AMENDATORY SECTION (Amending WSR 05-24-020, filed 11/29/05, effective 1/1/06)

**WAC 296-150M-0309 How do I apply for alteration approval and obtain an alteration insignia?** (1) To apply for alteration approval and the alteration insignia, you must:

(a) Complete an alteration permit form and an application for alteration insignia. ~~((We will provide the forms upon request.))~~ You may purchase a permit online at the L&I web site or by visiting the nearest L&I office.

(b) If applying using paper forms, submit the completed forms to ~~((us))~~ the department, with the first hour of inspection fee and alteration insignia fee. Alterations requiring more than one inspection shall have the first hour inspection fee paid to the department prior to ~~((any))~~ additional inspections. (See WAC 296-150M-3000.)

(2) The request for inspection of your alteration should be at least five days before the date you want the inspection.

(3) Once we approve your alteration, we will attach the alteration insignia to your manufactured home.

Note: Specifications, engineering data, and test results should be available for our inspector. If applicable, your approved design plan must also be available during the inspection.

(4) The department will ~~((send))~~ provide written ~~((notification to the local jurisdiction))~~ approval in the form of a fire safety certificate to the owner. The owner is required to for-

ward this information to the authority having jurisdiction (AHJ) and/or county treasurer's office in which the mobile home will be located, if the mobile home ((fails)) passes the department's fire safety alteration inspection.

AMENDATORY SECTION (Amending WSR 03-12-044, filed 5/30/03, effective 5/30/03)

**WAC 296-150M-0320 What must I provide to request approval of an alteration?** (1) For approval of an alteration, you must complete and return our alteration permit application form. The application must contain:

- (a) A description of the proposed alteration(s);
- (b) Applicable specifications, manufacturer's instructions, engineering data, test procedures and results; and
- (c) Payment of the alteration permit fee, alteration insignia fee, and any inspection fees. (See WAC 296-150M-3000.)

Note: The department may waive alteration permit fees for indigent permit applicants. (See WAC 296-150M-0322.)

(2) For approval of a structural alteration, we must approve the design plan. This is in addition to the requirements stated in subsection (1) of this section. (See WAC 296-150M-0370.)

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

**WAC 296-150M-0330 How do I obtain alteration insignia information and the forms you require?** ~~((Upon request, we will provide you with the forms and the fee schedules needed to obtain an alteration insignia or you can contact any department of labor and industries office for the forms. Our address is noted in the definition of department.))~~ Information to obtain alteration insignia information and forms may be found online at the L&I web site or by contacting an L&I office.

AMENDATORY SECTION (Amending WSR 98-14-078, filed 6/30/98, effective 7/31/98)

**WAC 296-150M-0331 Does my alteration permit expire?** Yes, your alteration permit will expire one year after the date of purchase. ~~((Alteration permits purchased prior to January 1, 1998, will expire on December 31, 1998. Alteration permits purchased after January 1, 1998, will expire one year after the date of purchase.))~~

AMENDATORY SECTION (Amending WSR 03-12-044, filed 5/30/03, effective 5/30/03)

**WAC 296-150M-0360 When is design plan approval required for an alteration?** (1) Design plan approval is required when you make a structural alteration to your manufactured home. A design plan approval may require engineering by a professional engineer currently licensed and certified in the state of Washington.

(2) A structural alteration is a change to the body or frame of a manufactured home. For example:

(a) An alteration is made if you change the size of a room or the pitch of a roof on your manufactured home.

(b) Any addition such as a carport that adds structural load to the manufactured home and is not fully self-supporting is an alteration.

(c) Alterations or installations of other types of work (plumbing, electrical, etc.) that are incidental to the structural alteration.

(d) Rebuilding portions of the home or reroofing over existing roof.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

**WAC 296-150M-0390 If my design plan is not approved, how much time do I have to submit a corrected plan?** (1) You have ninety days to correct and resubmit your original design plan and send us ~~((the))~~ any applicable resubmittal fee after we notify you of plan deficiencies. After ninety days, your initial design plan is returned to you.

(2) If you submit your corrected design plan after ninety days, you must send the initial design plan fee instead of the resubmittal fee. (See WAC 296-150M-3000.)

AMENDATORY SECTION (Amending WSR 08-12-041, filed 5/30/08, effective 6/30/08)

**WAC 296-150M-0410 What are the requirements for altering mobile/manufactured homes?** (1) Roof over framing (dormer) additions to manufactured/mobile homes must meet the following requirements:

(a) Maintain a minimum twenty pound roof, live load, and provide documentation to the department.

(b) The dead load for the dormer must be the difference between the live load design of the roof and the roof design snow load of the manufactured/mobile home location (as per Snow Load Analysis for Washington, by Structural Engineers Association of Washington).

(c) Existing roofing material, other than the sheathing, must be completely removed under the dormer.

(d) An engineering analysis shall take into account the wind load on the structure, when the dormer extends above the original ridge line of the manufactured/mobile home.

(e) The engineer or architect of record must clarify in writing on the original stamped drawings that the design plans may be used on other manufactured/mobile homes of the same live load, for generic designs that are to be used more than one time.

(f) Submit all manufactured/mobile home alterations to the department to be reviewed by plan review for compliance.

(2) Reroofing of a manufactured/mobile home must be installed and vented according to the manufacturer's installation instructions. Installation of underlayment must follow the shingle manufacturer's LOW SLOPE INSTALLATION INSTRUCTIONS and/or the Asphalt Roofing Manufacturers Association (ARMA) instructions for installations under 4/12 pitch. For roof pitches above 4/12, the manufacturer's installation instructions or ARMA installation instructions still apply.



(a) Existing asphalt roof will require removal of the original asphalt roofing material prior to the installation of new asphalt roofing.

Reuse of plastic skylights is not allowed. Skylights must be curb mounted type and step flashed per roofing manufacturer and/or ARMA requirements.

(b) If the original asphalt roofing material is not removed and a second layer of asphalt roofing is added, an engineering analysis must be completed to ensure that the existing roof structure can support the additional load while maintaining a 20 pounds per square foot (psf) live roof load, or maintaining the specified roof load listed on the homes data compliance certificate.

(c) Metal roofing with or without insulation board applied after removing existing asphalt shingles must:

(i) Follow the roofing manufacturer's installation requirements.

(ii) Maintain minimum pitch of the roof as required by the roofing manufacturer's installation requirements.

(d) Metal roofing with or without insulation board over an existing metal roof must(~~=~~

~~Allow the metal roof to be installed over another metal roof as required by the manufacturer's installation requirements.~~

~~(3)) be installed per the manufacturer's installation requirements.~~

Skylights installed in mobile or manufactured homes with metal roofing must be installed with specific installation instructions. Installations, if not curb mount factory flashed type, shall be flashed and counter flashed per specific installation instructions detailed by the skylight manufacturer or the metal roofing manufacturer.

(e) Bonding of noncurrent-carrying metal parts: All exposed noncurrent-carrying metal parts that become energized shall be effectively bonded to the grounding terminal or enclosure of the distribution panel board (note: This includes metal roofing pursuant to MCHSS 3280.809(d)). A bonding conductor shall be connected between each distribution panel board and an accessible terminal on the chassis.

(3) Grounding terminals shall be of the solderless type and approved as pressure-terminal connectors recognized for the wire size used. Star washers or other approved paint-penetrating fitting shall be used to bond terminals to chassis or other coated areas. The bonding conductor shall be solid or stranded, insulated or bare and shall be No. 8 copper minimum, or equal. The bonding conductor shall be routed so as not to be exposed to physical damage. Protection can be afforded by the configuration of the chassis.

(4) Replacing floor decking must meet the following requirements:

(a) Plan review is not required for the following:

(i) The floor decking being replaced is not greater than ~~((forty eight inches by ninety six inches))~~ eight feet by sixteen feet of each section of home. All edges shall be blocked.

(ii) Two-by-six blocking is added to each floor joist and secured with 16d nails at six inches on center.

(iii) Two-by-six blocking is added at the ends of the cut such that one-half is under the existing decking and one-half is under the decking being replaced and is secured with 16d nails, two at each joint.

(iv) ~~((Adding))~~ Floor decking ((that is)) must be the same thickness and grade as originally installed.

(v) Adding decking that is secured with construction adhesive bead and #8x1-3/4 inch screws at six inches on center.

(b) Plan review is required, but engineering will not be required under the following condition:

(i) The floor decking being replaced is greater than ~~((forty eight inches by ninety six inches))~~ eight feet by sixteen feet.

(ii) The decking being replaced is no more than fifty percent of the floor length, each section of home.

(iii) The decking being replaced is no more than seventy-five percent of the floor width, each section of home.

(c) If the floor decking being replaced is greater than ~~((forty eight inches by ninety six inches))~~ eight feet by sixteen feet of each section of home, both plan review and engineering will be required.

(d) On generic designs that are to be used more than once, an engineer or architect must clearly state in writing on the original stamped drawings that the design plans may be used on other manufactured/mobile homes of the same manufacturer.

~~((4))~~ (5) Additions (i.e., rooms, garages, carports, etc.) added to manufactured/mobile homes.

(a) Labor and industries factory assembled structures section is responsible for any alterations to the manufactured/mobile home. This includes:

(i) Any opening that is added or changed.

(ii) Electrical circuits added to the addition that come from the electrical panel in the manufactured/mobile home.

(iii) Using the manufactured/mobile home for support of the addition.

(b) A plan review is required when adding an addition to a manufactured/mobile home for:

(i) Openings not constructed per the department.

(ii) Manufactured/mobile homes which use the structure for support of the addition.

(iii) Adding a dormer on the home.

Note: An engineer or architect licensed in Washington state must design the plans and seal the plans and calculations. The department's FAS plan review section will perform a plan review.

(c) Labor and industries electrical section is responsible for any electrical circuits added to ~~((the))~~ a manufactured/mobile ((home)) home's addition that comes from the pedestal where the electrical section has electrical inspection authority. Some cities have electrical inspection authority and would make those electrical inspections in their jurisdiction.

(d) Local jurisdiction (city or county) is responsible for the inspection of the addition except as noted above.

(e) Items to pay particular attention to:

(i) If the addition is being served by a required egress door:

• The lock must be removed and nonlocking passage hardware installed or the door may be removed entirely leaving a passageway. One of the required egress doors must be accessible from the doorway of each bedroom without traveling more than thirty-five feet.

- An exit door at least equal in size to the one removed must be installed in the addition.

(ii) If the addition is being served by a 3rd door and the other doors meet the egress requirements outlined above, no changes to the exterior door are required.

(iii) Electrical circuits run from the manufactured/mobile home electrical panel must:

- Be in conduit if routed under the home; and
- Terminate at the edge of the home in a junction box.

(iv) The addition may be flashed to the manufactured/mobile home for purposes of sealing the exterior joint and may have trim installed on the interior for finishing.

~~((5))~~ (6) Attaching awnings and carports and garages.

(a) Self-supporting awnings and carports.

When awnings and carports are self-supporting they may be flashed to the manufactured/mobile home and no permit is required from L&I FAS section. The awnings and/or carports must be constructed to not block required egress doors or windows. Please check with your local jurisdiction building department for any permits required by them.

(b) Awnings and carports using the home for support.

Aluminum or wood awnings and carports that use the manufactured/mobile home for support will need to:

- Have the connections to the home designed and the additional load on the home analyzed by an engineer or architect licensed in Washington state. The engineer or architect will need to seal these designs and calculations;

- The installer must submit the designs to the FAS plan review section for a review; and

- The installer must have the installation inspected, after the plans are approved.

(c) Manufactured home comes from factory garage ready.

If the manufactured home comes from the factory garage ready, no inspection is required by L&I. Garage ready from the factory means:

- Dormers, if required, are installed by the factory;
- All gypsum board required on the home has been installed at the factory;

- Any door between the home and the garage meets the requirements for separation of a residence from a garage as required by the building code;

- All electrical installations meet the requirements of the National Electrical Code for one hour walls;

- The dryer outlet termination has been designed at the factory to not exhaust into the garage; and

- No other changes are required to the manufactured home at the installation site.

Note: If any changes are required to the manufactured home at the installation site, an alteration permit is required from the department.

(d) Manufactured/mobile home is not garage ready.

If the manufactured/mobile home is not garage ready when it leaves the factory, an alteration permit is required. Engineering analysis and plan review may also be required if additional loads are placed upon the home or openings are made or changed.

The following are some examples of when a plan review would be required:

- A dormer is added;

- An opening in the home is made or changed (note: Openings constructed to the department's approved details would not require a plan review); and

- Gypsum board is added to the wall of the home.

Items to also be aware of:

When a garage is to be attached to a manufactured/mobile home, the following must also be considered:

- The means of egress through exterior doors is not compromised (two are required);

- The means of egress from the bedroom(s) is not compromised (one egress directly to the exterior from each); and/or endwalls are usually shearwalls and any additional openings in them will need an engineering analysis and plan review to substantiate.

~~((6))~~ (7) Decertification of a manufactured/mobile home.

(a) Can only be decertified if the jurisdiction having authority will allow the unit to remain on the property.

(b) All electrical components, including the electrical panel, receptacles, switches and light must be removed and wires cut to where they enter the device.

(c) All plumbing fixtures and exposed plumbing water, drain and waste lines must be cut off where they enter any wall, floor or ceiling.

(d) All mechanical components including water heaters, furnaces, and kitchen appliances must be removed from the home.

(8) Installation of gas lines on manufactured homes:

(a) Gas lines must be material approved for gas distribution in manufactured/mobile homes.

(b) Must have a report available showing that the gas line tests were completed successfully. Either of the following shall be acceptable:

(i) A "Gas Piping Test Affidavit" completed and witnessed by a Washington state registered mechanical contractor representative who shall prepare a report. The test shall meet the requirements of the current HUD C.F.R. 3280 705 (8)(i)(ii).

(ii) The test must be witnessed by an L&I inspector.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

**WAC 296-150M-0500 When must an inspection be requested?** (1) You must purchase a permit and request an inspection (~~by us~~) from the department, if you are altering a manufactured home. Note: Purchasing the permit is not the same as requesting the permit. You may request an inspection online at the L&I web site, in person at the time of purchase, or by calling an L&I office.

(2) You must request an inspection by the local enforcement agency, for manufactured home installations. Note: In some jurisdictions it may be the department that performs the installation inspection.

(3) The installation of manufactured homes must be enforced and fees charged by the counties and cities in the same manner the State Building Code is enforced under RCW 19.27.050.

AMENDATORY SECTION (Amending WSR 05-24-020, filed 11/29/05, effective 1/1/06)

**WAC 296-150M-0540 How do I obtain a fire safety certificate to site my pre-HUD home?** In order to install a pre-HUD home in Washington, you will need to obtain and pass an inspection by the department. To apply for a fire safety certificate, you must:

(1) Complete an alteration permit form and a fire safety certificate application. We will provide you the forms on request.

(2) A fire safety preinspection checklist can be obtained at your local labor and industries office or on the web at <http://www.lni.wa.gov/tradeslicensing/fas>.

(3) Submit the completed forms to ~~((us))~~ the department, with the ~~((first hour of))~~ inspection fee and the site placement form. ~~((Alterations requiring more than one inspection shall have the first hour of inspection paid to the department prior to each additional inspection. The following fees will need to be paid: Electrical fire safety, structural fire safety, insignia fees for fire safety-))~~ (See WAC 296-150M-3000, Manufactured/mobile home fees.)

(4) Any other alterations to the home that have not been previously inspected and approved by the department will cause the approval of this inspection to be denied. A permit and inspection will need to be completed for these alterations before approval of the fire safety certificate is issued.

(5) Once we approve the inspection, we will provide you with a completed alteration permit and fire safety certificate.

Note: After the home has been sited, any subsequent move will require a separate fire safety certificate. RCW 46.44.170.

AMENDATORY SECTION (Amending WSR 05-24-020, filed 11/29/05, effective 1/1/06)

**WAC 296-150M-0550 What is required to meet the fire safety certificate requirements?** You will need to complete the following requirements for your pre-HUD home. (A pre-HUD home is defined as a mobile home manufactured before June 15, 1976, not built to the HUD standards.)

(1) **Wiring system.** Aluminum wiring is not permitted for use in fifteen and twenty amp branch circuits. You must do one of the following:

(a) Rewire the fifteen and twenty amp branch circuits in copper.

(b) Install receptacles and switches that are approved for the use of either aluminum or copper (i.e., they will be marked AL/CU); or

(c) Install copper "pig tail" connections using ~~((wiring nuts))~~ wire connectors approved for aluminum wire between the aluminum wire and the receptacle/switch/light fixture/bath and fans/range hoods.

Additionally, if the circuit breakers in the electrical panel for fifteen and twenty amp circuits are not approved for aluminum wiring, the breakers either need to be replaced with those that are acceptable for aluminum wire or they need to be ~~((pit))~~ pig tailed with copper wire and wire nuts (acceptable for aluminum wire).

(2) **Fire protection.**

(a) Walls, doors and ceilings in the water heater and furnace compartments shall be protected by materials with a

flame spread rating not exceeding twenty-five. (This can be met with gypsum wallboard having a minimum thickness of 5/16 inch or ceramic tile.)

(b) The range hood must be at least as wide as the appliance and have a lower front edge or "eyebrow" which extends at least three inches past the cabinet above.

(c) The surfaces of the exposed walls adjacent to and within six inches of a range or cooktop appliance must be composed of gypsum wallboard, with a minimum thickness of 5/16 inch, or ceramic tile. Kitchen cabinets constructed of combustible material that is located above a range or cooktop must be a minimum of twenty-four inches above the cooking surface. The cabinets must be protected on the bottom and on the exposed sides within six inches of either side of the appliance, by covering the surface with gypsum wallboard, with a minimum thickness of 5/16 inch, and installing a metal hood above the cooking appliance. A minimum of 3/8 inch gap is required between the cabinet and the gypsum on top of the hood.

(d) No window may be within twelve inches of the edge of a burner or element of the cooking appliance.

(3) **Emergency egress.**

(a) Every bedroom or other room designed expressly for sleeping purposes must have a window that meets the minimum requirements of at least 5.0 square feet of opening for emergency egress.

(b) Rooms that have a door, with a minimum clear opening of twenty-eight inches wide by seventy-two inches high, which opens directly to the outside do not need to have an emergency egress window.

(c) Windows and devices must be installed in a manner which allows for proper operation.

(d) The bottom of the opening of an egress window shall be no more than thirty-six inches above the floor.

(e) The height of the bottom of the window can be increased to forty-four inches when the clear net area is increased to 5.7 square feet of opening.

(4) **Smoke detectors.**

(a) Smoke detectors are required at each hallway or area giving access to a bedroom or group of bedrooms. When a furnace is located in the hall giving access to the bedrooms, the detector is to be located between the living area and the return air grill of the furnace.

(b) Smoke detectors must be installed on a wall and must be permanently wired and installed on a J-box with splices terminating inside the box.

(c) A smoke alarm with a rated life of ten years and provided with a listed ten year battery can be used in lieu of wired smoke detector.

(d) The smoke detector may not be switched and if more than one smoke detector is installed, then each one is to be wired on a different branch circuit.

(e) Smoke detectors do not need to be wired together to sound simultaneous alarms.

**WSR 16-01-171**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Care Administration)

[Filed December 22, 2015, 12:46 p.m., effective January 22, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: HB [SHB] 1132 passed and allows residential care services to waive the adult family home application fee under exceptional circumstances such as the death of a provider. These changes eliminate barriers that may keep a new provider from taking over the home so residents will not have to be moved.

Other changes were made to ensure resident safety and protection of their rights. Residents must now be given a fourteen day notice prior to their rates increasing when they have had a significant change in their condition and at least one primary door must be equipped with hardware that allows residents to exit and reenter the home.

Citation of Existing Rules Affected by this Order: Amending WAC 388-76-10064, 388-76-10107, 388-76-10535, and 388-76-10715.

Statutory Authority for Adoption: Chapter 70.128 RCW.

Adopted under notice filed as WSR 15-21-100 on October 21, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 4, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 4, Repealed 0.

Date Adopted: December 21, 2015.

Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 12-01-004, filed 12/7/11, effective 1/7/12)

**WAC 388-76-10064** (~~(Application—Forty eight hour administration and business planning class)~~) **Adult family home administrator training requirements.** (1) The applicant(;) and the entity representative must successfully complete the department approved ((~~forty eight hour~~)) adult family home administration ((~~and business planning~~)) class as required in chapter 388-112 WAC.

(2) An applicant and entity representative may not be required to take the ((~~forty eight hour~~)) adult family home administrator class if there is a change in ownership and the

applicant and entity representative are already participants in the operation of a currently licensed home.

(3) An applicant and entity representative must take the ((~~forty eight hour~~)) adult family home administrator class when the application is for an additional licensed home and the ((~~forty eight hour~~)) class has not already been successfully taken.

(4) The class must be a minimum of forty-eight hours of classroom time and approved by the department.

(5) Under exceptional circumstances, the department may waive the administrator training class for up to four months if the application meets all the other requirements for licensure and all the components of WAC 388-76-10074.

NEW SECTION

**WAC 388-76-10074 Application—Waiver of fees** The department may authorize a one-time waiver of the application fees for a change of ownership or relocation, if the situation meets all of the following conditions;

(1) The current provider has experienced an exceptional circumstance such as:

(a) The death or incapacity of a spouse who was also named on the license; or

(b) The diagnosis of a terminal or debilitating illness that prevents them from running the adult family home; and

(2) Residents will be forced to move if a new provider is not licensed; and

(3) Full payment of the licensing fee would cause the applicant a financial hardship; and

(4) The application has been approved for priority processing by the local field office per WAC 388-76-10107; and

(5) Neither the applicant nor the current provider has requested a waiver of fees in the past.

AMENDATORY SECTION (Amending WSR 10-14-058, filed 6/30/10, effective 7/31/10)

**WAC 388-76-10107** (~~(Change of ownership—)~~)**Pri**  
**ority processing—Change of ownership and relocation.** In order to prevent disruption to residents, currently licensed providers may request in writing that the department give priority processing to an applicant seeking to be licensed as the new provider ((~~for the~~)) of an existing, licensed adult family home in the event of a change of ownership or relocation.

AMENDATORY SECTION (Amending WSR 15-03-037, filed 1/12/15, effective 2/12/15)

**WAC 388-76-10535 Resident rights—Notice of change to services.** (1) The adult family home must inform each resident:

(a) In writing; and

(b) In advance of changes in the availability of, or the charges for services, items, or activities, or of changes in the home's rules.

(2) The home must:

(a) Provide at least fourteen days advanced notice when there has been a substantial and continuing change in the resident's condition that necessitates substantially greater or lesser services, items or activities.

(b) Give residents a thirty day notice prior to the effective date of the change if the home decreases services due to circumstances beyond the home's control; and

~~((b))~~ (c) Give residents a ninety day notice prior to the effective date of the decrease if the home voluntarily decreases services or if the change results in the discharge of at least one resident.

(3) The home is not required to give notice:

(a) If the home gives each resident written notice of the availability and charges of services, items and activities before admission, when there are changes and every twenty-four months; and

(b) If the resident is provided different or additional services, items or activities from the home which do not result in an additional cost to the resident.

**AMENDATORY SECTION** (Amending WSR 07-21-080, filed 10/16/07, effective 1/1/08)

**WAC 388-76-10715 Doors—Ability to open.** The adult family home must ensure:

(1) Every bedroom and bathroom door opens from the inside and outside;

(2) Every closet door opens from the inside and outside; and

(3) ~~((All exit doors leading to the outside will open from the inside without))~~ One door leading to the outside must be designated as the primary egress and, effective January 1, 2016, must have hardware that allows residents to exit, even when the door is locked, and also allows reentry into the home without a key, tool or ~~((any))~~ special knowledge or effort by residents.

(4) Other external exit doors not designated as the primary egress, must open without any special skills or knowledge and they must remain accessible to residents unless doing so poses a risk to the health or safety of at least one resident.

(5) All internal and external doors must comply with local jurisdictional requirements as well as the building code requirements as contained in chapter 51.51 WAC.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

### WSR 16-01-190

#### PERMANENT RULES

#### FREIGHT MOBILITY

#### STRATEGIC INVESTMENT BOARD

[Filed December 23, 2015, 8:48 a.m., effective January 23, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The freight mobility strategic investment board has relocated to 505 Union Avenue S.E., Suite 350, P.O. Box 40965, Olympia, WA 98504-0965.

The proposed rule change is to reflect the agency's new physical location.

Citation of Existing Rules Affected by this Order: Amending WAC 226-01-050.

Statutory Authority for Adoption: Chapter 47.06A RCW.

Adopted under notice filed as WSR 15-21-040 on October 16, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 12 [December 23], 2015.

Ashley Probart  
Executive Director

**AMENDATORY SECTION** (Amending WSR 02-08-076, filed 4/3/02, effective 5/4/02)

**WAC 226-01-050 Address of board.** Persons wishing to obtain information or to make submissions or requests of any kind shall address their correspondence to:

Executive Director,  
Freight Mobility Strategic Investment Board  
~~((4063 Capitol Way, Room 201))~~  
505 Union Avenue S.E., Suite 350  
Post Office Box 40965  
Olympia, Washington 98504-0965

### WSR 16-01-191

#### PERMANENT RULES

#### SECRETARY OF STATE

[Filed December 23, 2015, 8:53 a.m., effective January 23, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To clarify the administrative code section on trademark filings.

Chapter 434-12 WAC, Trademarks, changes include allowing the comparison of classifications to be used in determining differences between trademarks proposed to be filed and those already on file. Updating the procedure to be similar to the federal trademark comparison procedure and cause less confusion for customers.

Citation of Existing Rules Affected by this Order: Amending WAC 434-12-025.

Statutory Authority for Adoption: RCW 19.77.115.

Adopted under notice filed as WSR 15-23-024 on November 9, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 23, 2015.

Mark Neary  
Assistant Secretary of State

**AMENDATORY SECTION** (Amending WSR 15-22-044, filed 10/29/15, effective 1/1/16)

**WAC 434-12-025 Document and specimen standards for trademark filing.** (1) Specimens submitted in support of a trademark filing must:

(a) Be of sufficient quality, size and clarity to allow the division to create and maintain an accurate digital image of the specimen; and

(b) Demonstrate that the trademark is in use in commerce; preliminary design artwork is not acceptable.

(c) Be in pdf (portable document format), if filing online.

(2) Specimens submitted in support of a trademark reservation:

(a) Must be of sufficient quality, size and clarity to allow the division to create and maintain an accurate digital image of the specimen; and

(b) May be in the form of preliminary design artwork so long as the design clearly describes the trademark to be reserved; and

(c) Must be in pdf format, if filing online.

(3) Corporations division staff may reject submissions ~~((that do not meet these requirements))~~ based on the following criteria:

(a) Application is incomplete;

(b) Application is in pencil or unable to be scanned as a readable image;

(c) Trademark is not distinguishable from another on file in the secretary's office by comparing:

(i) Similarity or dissimilarity of marks in their entireties to appearance; or

(ii) Similarity or dissimilarity of goods and services classifications.

## WSR 16-01-204

### PERMANENT RULES

### HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed December 23, 2015, 11:20 a.m., effective January 23, 2016]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The agency is striking WAC 182-550-4690 (3)(b), which states the agency performs utilization reviews on seven-day readmissions for claims that qualified for diagnosis related group payment before July 1, 2005.

The agency is also striking subsection (5)(c), which refers to WAC 182-550-3000 for inpatient hospital claims that involve a client's seven-day readmission.

This amendment aligns with amendments proposed under WSR 15-19-159, which will implement a population-based, data-driven approach to reduce hospital readmission rates and related costs.

Citation of Existing Rules Affected by this Order: Amending WAC 182-550-4690.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 15-23-060 on November 13, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 23, 2015.

Wendy Barcus  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 15-18-065, filed 8/27/15, effective 9/27/15)

**WAC 182-550-4690 Authorization requirements and utilization review for hospitals eligible for CPE payments.** This section does not apply to psychiatric certified public expenditure (CPE) inpatient hospital admissions. See WAC 182-550-2600.

(1) CPE inpatient hospital claims submitted to the medicaid agency must meet all authorization and program requirements in WAC and current agency-published issuances.

(2) The agency performs utilization reviews of inpatient hospital:

(a) Admissions under the requirements of 42 C.F.R. 456, subparts A through C; and

(b) Claims for compliance with medical necessity, appropriate level of care and the agency's (or an agency designee's) established length of stay (LOS) standards.

(3) For CPE inpatient admissions before August 1, 2007, the agency performs utilization reviews((:

~~(a))~~ using the professional activity study (PAS) length of stay (LOS) standard in WAC 182-550-4300 on claims that qualified for ratio of costs-to-charges (RCC) payment before July 1, 2005.

~~((b) On seven-day readmissions according to the diagnosis-related group (DRG) payment method described in WAC 182-550-3000 for claims that qualified for DRG payment before July 1, 2005.))~~

(4) For claims identified in this subsection, the agency may request a copy of the client's hospital medical records and itemized billing statements. The agency sends written notification to the hospital detailing the agency's findings. Any day of a client's hospital stay that exceeds the LOS standard:

(a) Is paid under a non-DRG payment method if the agency determines it to be medically necessary for the client at the acute level of care;

(b) Is paid as an administrative day (see WAC 182-550-1050 and 182-550-4500(8)) if the agency determines it to be medically necessary for the client at the subacute level of care; and

(c) Is not eligible for payment if the agency determines it was not medically necessary.

(5) For CPE inpatient admissions after July 31, 2007, CPE hospital claims are subject to the same utilization review rules as non-CPE hospital claims.

(a) LOS reviews may be performed under WAC 182-550-4300.

(b) All claims are subject to the agency's medical necessity review under WAC 182-550-1700(2).

~~((c) For inpatient hospital claims that involve a client's seven-day readmission, see WAC 182-550-3000.))~~